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1 much because if your voter registration certificate is
2 the same name as you're listed on the voter registration
3 rolls, that issue may not come up with poll workers
4 today but the strict answer is you're supposed to file a
5 name change with the local voter registration.

6 CHAIRMAN SMITH: And clarify this, under
7 current law, can I not present any of the nonphoto --
8 documents on the nonphoto list, it doesn't have to be
9 the voter registration card?

10 MS. MCGEEHAN: Right.

11 CHAIRMAN SMITH: So, I can present an
12 envelope from a governmental entity, that's all I can
13 present?

14 MR. SEPEHRI: Yeah, addressed to you, that's
15 right.

16 CHAIRMAN SMITH: And that's sufficient?

17 MR. SEPEHRI: That would be.

18 CHAIRMAN SMITH: You don't have to have a
19 voter's registration card, you don't have to have a
20 driver's license, just an envelope; is that right?

21 MS. MCGEEHAN: That's correct.

22 CHAIRMAN SMITH: Okay. And in that
23 instance, if junior is on my voter registration card and
24 junior is not on the envelope I lay down, what does the
25 poll worker do, current law?



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1 MS. MCGEEHAN: Well, the law doesn't require
2 an exact match. So, it doesn't say that you have to
3 present identification that shows your name exactly as
4 it appears on the list of registered voters.

5 CHAIRMAN SMITH: Okay. So, there is some
6 exercise of discretion on their part to the extent there
7 is a typo or letter missing or a junior absent, et
8 cetera; is that right?

9 MS. MCGEEHAN: That's correct.

10 CHAIRMAN SMITH: So, is it fair to say under
11 current law there's a gray area on when the name is
12 enough different not to count versus enough similar to
13 count?

14 MS. MCGEEHAN: Right. I mean, yes. I mean,
15 the poll worker makes that ultimate decision whether to
16 accept the voter or not. And so, if they don't feel
17 like the voter is who they are claiming to be --

18 CHAIRMAN SMITH: And that discretion is
19 there and is really kind of difficult to eliminate
20 whether we're talking about current law or whether we're
21 talking about the Senate Bill, there's no way to
22 eliminate that discretion?

23 MR. SEPEHRI: To entirely eliminate
24 discretion?

25 CHAIRMAN SMITH: Yes. You wouldn't want to



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1 do -- you wouldn't want to have a bright line test that
2 is so bright that if there was a letter different
3 between one item and a number, they couldn't -- you
4 wouldn't want that kind of a bright line test, would
5 you?

6 MS. MCGEEHAN: I wouldn't think so, knowing
7 the kind of clerical errors out you there, but that's
8 policy.

9 CHAIRMAN SMITH: So, to some extent, in
10 order to advance best public policy, we have no choice
11 but to provide the poll workers with some degree of
12 discretion in looking at a name and considering the
13 extent to which it doesn't match.

14 MR. SEPEHRI: We want to be careful about
15 intruding on your domain in terms of what's good or bad
16 policy but I guess -- I think we're both saying that
17 it's hard to see an entire elimination of discretion
18 under old or new law.

19 CHAIRMAN SMITH: Okay. Any other questions?

20 REPRESENTATIVE DR. ALLEN: Can I give an
21 example of this one? This is my voter registration. It
22 says Alma A. Allen. I've changed my name. This is my
23 birth certificate. I was born Toliver. I can't go back
24 and change my birth certificate. I was not born Allen.
25 So, I can't change this, and the two -- neither look



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1 alike.

2 So, if you were to look at this and you
3 would not give me -- you would not let me vote if you
4 didn't know my name was Toliver. I have been Allen for
5 52 years. I can't change it.

6 MR. SEPEHRI: You're right, you can't change
7 that, Dr. Allen, but I think it's possible under the
8 wording of the proposed bill that a voter could come in
9 with the two nonphoto IDs, have one, which is your birth
10 certificate that has whatever information that has on it
11 and then another ID that corroborates in part with your
12 birth certificate so that the poll worker might have
13 discretion to accept you even though your birth
14 certificate --

15 REPRESENTATIVE DR. ALLEN: That's three IDs
16 then, three forms, one, two --

17 MR. SEPEHRI: I believe under Senator
18 Frazier's bill that's up for consideration tonight, you
19 don't have to have your voter registration and -- it's
20 one photo ID or two nonphoto IDs, one of which could be
21 a voter registration card.

22 REPRESENTATIVE DR. ALLEN: Okay. So, if I
23 did this, I would have to bring something else.

24 MR. SEPEHRI: Well, if you're not using a
25 photo ID, I believe under the current bill, you'd have



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1 to have something else anyway. You'd have to have two
2 nonphoto IDs.

3 REPRESENTATIVE DR. ALLEN: I'd have to have,
4 what, a light bill or something with my name on it? No
5 picture?

6 MR. SEPEHRI: Well, whatever the list here
7 says in Section --

8 REPRESENTATIVE DR. ALLEN: It's giving you
9 some examples.

10 MR. SEPEHRI: Right. Right. Yes.

11 CHAIRMAN SMITH: Both documents you have
12 would be sufficient.

13 UNIDENTIFIED SPEAKER: Right there.

14 REPRESENTATIVE DR. ALLEN: These?

15 UNIDENTIFIED SPEAKER: Yes.

16 REPRESENTATIVE DR. ALLEN: I'm going to pass
17 them down there so you can just kind of visualize what
18 I'm talking about. Don't get my Social off of there. I
19 have no money in the bank.

20 UNIDENTIFIED SPEAKER: For the record, Dr.
21 Allen, I would let you vote.

22 REPRESENTATIVE DR. ALLEN: You would let me
23 vote?

24 UNIDENTIFIED SPEAKER: Yes, ma'am.

25 REPRESENTATIVE DR. ALLEN: I love you, too.



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1 CHAIRMAN SMITH: Any other questions,
2 members, of the Secretary of State?

3 Representative Anchia.

4 REPRESENTATIVE ANCHIA: Thank you.

5 I wanted to -- I wanted to ask you,
6 Mr. Sepehri, how you interpret the Allen fact pattern as
7 presented in light of the language in the Frazier bill
8 that says if the voter's identity can be verified from
9 the documentation presented. Okay?

10 MR. SEPEHRI: Sure.

11 UNIDENTIFIED SPEAKER: How do you interpret
12 that language vis-à-vis certain -- her situation? You
13 said there might be a construct in which you would vote.
14 Articulate that for me based on this language.

15 MR. SEPEHRI: Sure, Representative Anchia.
16 I think this language would allow for a poll worker to
17 exercise some discretion in terms of determining whether
18 that poll worker thinks the ID presented enables that
19 person -- the poll worker to verify the voter's
20 identity.

21 And I think under this language, you could
22 have a voter come in with a birth certificate that has a
23 maiden name, a born name, and another piece of nonphoto
24 ID that has a married name and the poll worker
25 theoretically could look at this and look at both pieces



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1 of ID and see that the first name is the same, birthday
2 or some other information is the same on both pieces of
3 ID and determine that the person is who they say they
4 are and is entitled to vote.

5 On the other hand, the poll worker could go
6 the other direction, too.

7 REPRESENTATIVE ANCHIA: So, it is purely
8 subjective at that point?

9 MR. SEPEHRI: You know, I -- I don't --

10 REPRESENTATIVE ANCHIA: I mean, what
11 objective criteria do we have under the voter's identity
12 can be verified from the documentation?

13 MR. SEPEHRI: I don't know that the bill
14 provides a lot of criteria.

15 REPRESENTATIVE ANCHIA: Right. Right. So,
16 there's very little guidance in the bill, in fact, on
17 how to deal with a situation like that, right?

18 MR. SEPEHRI: I think that's fair.

19 REPRESENTATIVE ANCHIA: And the outcome
20 could be as likely one way or the other?

21 MR. SEPEHRI: Well, I wouldn't want to
22 speculate on the likelihood of the outcome one way or
23 the other, other than just to say it's possible in
24 either direction, I think.

25 REPRESENTATIVE ANCHIA: So, if one piece



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1 of -- if one piece of documentation provided does not
2 have the name on the poll -- in the poll book but does
3 the other name, you think that -- you interpret this
4 language as allowing the -- allowing the poll worker to
5 accept that person to vote a regular ballot?

6 MR. SEPEHRI: I think this language could be
7 read that way.

8 REPRESENTATIVE ANCHIA: Okay. Okay. So, in
9 fact, you don't need -- you don't need a name match then
10 is your interpretation of this language?

11 MR. SEPEHRI: Well, I think if a voter came
12 in and said this is my birth certificate and had another
13 document that had a married name and -- I mean, you
14 could -- a poll worker could look at those two documents
15 and theoretically under this language come to the
16 conclusion that the person coming to vote is the person
17 on the list.

18 REPRESENTATIVE ANCHIA: What if the two
19 documents presented had different addresses and
20 different names?

21 MR. SEPEHRI: Well, I mean, I think you're
22 getting into a situation where just depending on each
23 particular instance, a poll worker may or may not be
24 able to look at the two pieces of ID and conclude in
25 their opinion that the person is the same person and in



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1 that case may not accept the voter.

2 I mean, I think we're getting a bit
3 hypothetical. I did say I think it could be either way.
4 I don't think that, you know, it would be safe to assume
5 that someone coming in with a birth certificate with a
6 maiden name and a document that has a different surname
7 is automatically going to be accepted under this
8 language.

9 REPRESENTATIVE ANCHIA: Okay. Good. Thank
10 you.

11 CHAIRMAN SMITH: Question real quick.
12 Do you see the language in the Senate bill
13 in terms of the way in which the poll worker exercises
14 that discretion as being different than current law?

15 MR. SEPEHRI: Well, I think probably to the
16 extent there's discretion under the current law,
17 probably not but I think this would be a good question
18 for Ann to expound on.

19 MS. MCGEEHAN: The language in Senate Bill
20 362 is different than what appears in current law. It
21 definitely puts a burden on the poll worker to verify
22 the documentation and verify that is the same person.

23 CHAIRMAN SMITH: There could be discretion
24 under current circumstances that could be considered by
25 some, I think, as subjective but this bill certainly



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1 has, you know, affirmative language that places a duty
2 on poll workers that is not in current law, I think.

3 MS. MCGEEHAN: Right.

4 CHAIRMAN SMITH: So, you see the current law
5 language in terms of the extent to which it impacts the
6 discretion of the poll worker as being more likely to
7 result in the voter being able to vote than the Senate
8 Bill?

9 MR. SEPEHRI: Well, I think current law just
10 doesn't allow for -- current law, you either show up
11 with certain documents that are listed or you don't, and
12 depending on what you show up with, there's a decision
13 tree.

14 CHAIRMAN SMITH: But they still compare that
15 language with the voter rolls, right?

16 MR. SEPEHRI: They do, and that's why I
17 believe there is some discretion that is subjective
18 inherent in the --

19 CHAIRMAN SMITH: If I show up on the voter
20 rolls I'm Todd Smith and I lay a driver's license down
21 for Barbara Jones doesn't mean I get to vote just
22 because I laid a driver's license down, right?

23 MR. SEPEHRI: That's correct.

24 CHAIRMAN SMITH: They're still exercising
25 that same type of discretion and comparing what I laid



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1 down to what's on the roll?

2 MR. SEPEHRI: That's correct. And it
3 doesn't even need to be as extreme as that. I mean, as
4 you pointed out earlier, it can be a closer situation
5 than that. And there's probably still some discretion
6 inherent in current law.

7 CHAIRMAN SMITH: Yeah. So, do you think
8 that there's something about the language in current law
9 that is more voter friendly in terms of the vote
10 counting than what we're finding in the Senate Bill and
11 how it's being laid out?

12 MS. MCGEEHAN: I think the current law just
13 says if a voter comes in and presents their voter
14 registration certificate, that's the end of the story
15 and they get to vote.

16 If the voter comes in and presents one of
17 the other forms of ID that's spelled out in the statute,
18 they get to vote.

19 Now, if the poll worker thinks that they've
20 obtained it fraudulently, they might challenge that
21 voter later on but for purposes of accepting that voter
22 for voting, they're not really given any discretion to
23 go outside that document.

24 CHAIRMAN SMITH: As long as what, the names
25 match and the address match? I mean, isn't there some



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1 basic requirement that the identification --

2 MS. MCGEEHAN: The poll worker is supposed
3 to review the signature on a voter registration
4 certificate with the way they sign in on the poll list.
5 That's in current law.

6 CHAIRMAN SMITH: Okay.

7 MS. MCGEEHAN: But if they present one of
8 the other forms of identification, there is no signature
9 comparison.

10 UNIDENTIFIED SPEAKER: Doesn't the -- if
11 they present another form of photo ID, is there not a
12 requirement that the name be at least similar to the
13 name on the voter registration, on the rolls?

14 MS. MCGEEHAN: Let me just look at the law
15 real quick here.

16 In 63.0101, it simply says: The following
17 documentation is acceptable as proof of identification
18 under this chapter, and then it lists that a driver's
19 license issued by DPS, a form of identification
20 containing the person's photograph that establishes the
21 person's identity, so, that's one form of ID where the
22 judge would have to make a decision, a birth
23 certificate, United States citizenship papers issued to
24 the person, United States passport, official mail
25 addressed to the person by name from a governmental



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1 entity.

2 UNIDENTIFIED SPEAKER: In looking at whether
3 one of those documents establishes identity, there would
4 be some exercise of discretion --

5 MR. SEPEHRI: Discretion.

6 UNIDENTIFIED SPEAKER: -- in terms of the
7 extent to which it matches what's on the rolls?

8 UNIDENTIFIED SPEAKER: Wouldn't that be only
9 in the case of the photo? When you're talking identity,
10 wouldn't that be only in the case of the driver's
11 license that there's an affirmative determination of
12 identity?

13 MS. MCGEEHAN: The only one that the statute
14 points out is a form of identification containing the
15 person's photograph other than the -- not the TDL but if
16 it's just like a Sam's card or something like that, that
17 has to -- that's where the judge has discretion.

18 UNIDENTIFIED SPEAKER: But otherwise, it's a
19 presentment standard, correct?

20 MS. MCGEEHAN: I believe so.

21 UNIDENTIFIED SPEAKER: But even with the
22 presentment standard, there still is an exercise of
23 discretion on the part of the poll worker to determine
24 whether there's a sufficient match with what's on the
25 voter rolls, right?



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1 MR. SEPEHRI: I think we're saying it may
2 not necessarily be spelled out there but that certainly
3 if you get somebody that brings in a utility bill or
4 something where the name only half looks like the name
5 on the rolls, then that could be a situation where you
6 might have an exercise -- I think that's what --

7 MS. MCGEEHAN: I think the answer to your
8 question is not directly addressed by current law.

9 CHAIRMAN SMITH: Otherwise, you could lay
10 down anybody else's utility bill and be able to vote and
11 that's clearly not the law, that I can bring in anybody
12 else's utility bill, lay it down and vote or, you know,
13 lay down the utility bill of someone close to my name
14 but not the same person.

15 We're not ever going to get away from some
16 degree of exercise of discretion on the poll worker.

17 MR. SEPEHRI: I think that's correct.

18 CHAIRMAN SMITH: Representative Bohac. I'm
19 sorry.

20 REPRESENTATIVE BOHAC: I just had a
21 couple -- a few very quick questions that hopefully will
22 lend themselves to short answers.

23 On the -- let's say a person has their
24 maiden name on their voter registration card, so,
25 therefore, they're on the poll books with their maiden



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1 name, and they come and they don't have their card, like
2 most of us do not carry our card with us, you just show
3 your driver's license, and it has your married name on
4 there, is that person going to -- is their vote going to
5 be counted provisionally or are they going to be able to
6 vote a regular ballot under current law?

7 MS. MCGEEHAN: In that situation, they come
8 in and there's going to be a photo, I guess, on their
9 driver's license, to be honest, the Election Code
10 doesn't really address that. I mean, it -- it assumes
11 that when a voter changes their name, they're going to
12 do an address update. So, it may be -- I know we've got
13 Harris County in the room. I'd be interested to hear
14 what they have to say to that but that -- that question
15 is not specifically addressed.

16 REPRESENTATIVE BOHAC: In other words, good
17 question.

18 MS. MCGEEHAN: Yeah.

19 REPRESENTATIVE BOHAC: Okay. That means
20 it's a good question with regard to the Senate Bill,
21 too, because we're not addressing it in the code today
22 and we may not be addressing it in the Senate Bill
23 specifically either.

24 With regard to the photo ID, right now
25 you're required to have your registration card. My



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1 parents believe they still have to have that voter
2 registration card. So, they scurry about their house
3 every election cycle. And I say: Mom, dad, you don't
4 have to have that card. Just go show your driver's
5 license.

6 And it's refreshing for people to know that
7 you just have to show an ID but, really, you have to
8 show more than an ID. When you go in and show your
9 driver's license, you do have to sign something, right?

10 MR. SEPEHRI: You have to sign something
11 saying that you're not in possession of your voter
12 registration certificate at that time at the polls.

13 REPRESENTATIVE BOHAC: Right. So, there
14 really is an extra step that you have to go through,
15 correct?

16 MS. MCGEEHAN: Correct.

17 MR. SEPEHRI: Yeah.

18 REPRESENTATIVE BOHAC: And now here's the
19 third question. Well, you have already answered that
20 with the discretion elements of the first -- of the
21 first question that I asked you, so, I'll pass.

22 REPRESENTATIVE HELFIN: One of the gentlemen
23 that testified earlier showed us his voter ID card and
24 it was the size of a driver's license, had his photo on
25 it. So, why don't we go to that? It will fit in your



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1 wallet, fit in your purse. I don't have to go home and
2 beg my wife to tell me where I put it last year and that
3 type thing. So, wouldn't that be an effective system to
4 kind of take care of all of these issues?

5 MS. MCGEEHAN: It would -- it would
6 definitely, I guess, answer a lot of these questions.
7 It would -- of course, it wouldn't address everybody
8 because not everybody has a -- has been issued a
9 driver's license or personal ID number but I don't know
10 what the statistics on that are. So, there might need
11 to be other avenues to obtain those photos to put on the
12 certificates.

13 REPRESENTATIVE HELFIN: How many registered
14 voters do we have in the state?

15 MS. MCGEEHAN: It's a little under 13
16 million right now.

17 REPRESENTATIVE HELFIN: And how many drivers
18 do we have in the state?

19 MS. MCGEEHAN: I think it might be 16
20 million. That's a -- that's a guess. That might be a
21 couple of years old.

22 REPRESENTATIVE HELFIN: Okay. Just a
23 thought.

24 CHAIRMAN SMITH: Representative Bohac.

25 REPRESENTATIVE BOHAC: Mr. Chairman, just in



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1 terms of an editorial comment, I really believe that
2 when people find out -- I realize this is a very
3 contentious debate and there's people on both sides but
4 I think when people find out that under whatever bill or
5 whatever iteration of the bill we pass, if we pass one,
6 that you merely have to show an ID to vote, I think that
7 is going to be freeing to so many people because they
8 honestly think that they have to have and can only have
9 that voter registration card.

10 And because it is so big, you don't carry it
11 in your wallet, you don't carry it in your car. You
12 typically bury it in a drawer and people really scurry
13 about their house the day of the election or the day
14 they go to vote, and they can't find it anywhere.

15 So, in some respects, I believe voter ID is
16 going to be freeing for many people, to know that all
17 you have to do, you only have to present one thing, just
18 go show a photo ID that's a driver's license or a state
19 issued photo ID and you don't have to keep track of the
20 voter registration card.

21 Thank you.

22 CHAIRMAN SMITH: Members, do you all want to
23 continue to ask them questions or do you want to ask
24 them to stay late and ask them at the very end of the
25 night if we have additional questions?



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1 REPRESENTATIVE DR. ALLEN: I want to ask one
2 more question along that same line.

3 CHAIRMAN SMITH: Just do it now? We need to
4 do it now and let the witnesses wait or let the
5 witnesses come up and then finish with them at the very
6 end.

7 REPRESENTATIVE DR. ALLEN: Okay. I want to
8 ask this question. Since we were on the picture ID with
9 the driver's license -- with the voter card that you
10 asked, the driver's license, at the DPS place, they
11 register voters, don't they? All right.

12 MS. MCGEEHAN: Yes.

13 REPRESENTATIVE DR. ALLEN: That's the one
14 that has the camera in it and everything. So, why can't
15 we put -- we put everything else on here. Why couldn't
16 we put registered voter on here? We have on the back
17 allergic to drugs, emergency contact numbers,
18 endorsements, restrictions, roadside assistance. Why
19 couldn't we put on the driver's license registered
20 voter?

21 Grandfather it so every year when your
22 driver's license come up for renewal, we'll register
23 those people. Then the next year we'll register -- if
24 you're new register to vote, we'll go through the
25 process, and it's one piece of paper, one document, one



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1 thing you pay for.

2 MS. MCGEEHAN: I think that's a bill you're
3 hearing tomorrow. I think we just did a fiscal vote on
4 that bill.

5 UNIDENTIFIED SPEAKER: Are you talking about
6 the bill to put the picture on the voter registration
7 card?

8 MS. MCGEEHAN: Right.

9 UNIDENTIFIED SPEAKER: That's Representative
10 Hopson.

11 MS. MCGEEHAN: But he also had a provision
12 in there that said at the voter's option, DPS would have
13 to annotate the driver's license to show that they are
14 registered to vote. I believe that's in Representative
15 Hopson's bill.

16 I think that could be done. It would
17 require some coordination so that DPS sends the data to
18 the Secretary of State. We send it to the county. The
19 county sends it back, and then we would have to send
20 some message back to DPS that that voter did, in fact,
21 get registered.

22 REPRESENTATIVE DR. ALLEN: Can't you do that
23 now?

24 MS. MCGEEHAN: It's all doable now. The
25 only thing is DPS doesn't know if you're registered or



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1 not.

2 So, DPS gives you the opportunity to get
3 registered when you update your driver's license, and
4 then they pass all that to the state -- Secretary of
5 State and to the counties but then DPS never gets word
6 back if that voter registration was actually accepted
7 and that person was issued a voter registration
8 certificate.

9 REPRESENTATIVE DR. ALLEN: One more kick in
10 the mouth, that's all.

11 MR. SEPEHRI: I'm looking through
12 Representative Hopson's bill right now and I'm not --
13 maybe, Ann, you can help --

14 CHAIRMAN SMITH: We'll discuss it in great
15 detail tomorrow. You all are going to be with us,
16 aren't you?

17 MR. SEPEHRI: Sure. We'll be happy to --

18 CHAIRMAN SMITH: Who -- anybody?

19 UNIDENTIFIED SPEAKER: Let's bring in the
20 witnesses.

21 CHAIRMAN SMITH: Okay. I may have a
22 question or two for you at the end of the night.

23 MS. MCGEEHAN: We'll be happy to stay.

24 CHAIRMAN SMITH: All right. Thank you.

25 MR. SEPEHRI: We'll be back there.



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1 CHAIRMAN SMITH: George Hammerlein
2 representing the Harris County Tax Office, is neutral on
3 the bill.

4 Do we have to turn the lights off?

5 I actually have some.

6 UNIDENTIFIED SPEAKER: Members, a few
7 minutes of their presentation is some sort of a video
8 presentation. Recess for 10 minutes.

9 (Recess.)

10 CHAIRMAN SMITH: Please proceed. Are you
11 going to do the film first?

12 MR. HAMMERLEIN: No, sir. I was going to
13 introduce myself and kind of explain what you're about
14 to see.

15 CHAIRMAN SMITH: State your name and who you
16 represent.

17 MR. HAMMERLEIN: My name is George
18 Hammerlein. I'm with the Harris County Tax Office. I'm
19 the director of voter registration.

20 The committee asked us to come and see if --
21 they asked us if there were any cases of what we thought
22 perhaps was votes that were cast in a questionable
23 manner that a requirement for a photo ID may have
24 prevented those questionable votes.

25 And so, we looked through some histories and



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1 some files and came up with a few cases. So, the first
2 case is story from the local NBC affiliate in Houston,
3 Texas. And with that, I'll just show it.

4 UNIDENTIFIED SPEAKER: Can you repeat what
5 the committee asked you to do? Can you --

6 MR. HAMMERLEIN: They asked us are -- do you
7 know of any --

8 UNIDENTIFIED SPEAKER: Who is they?

9 MR. HAMMERLEIN: Chairman Smith.

10 UNIDENTIFIED SPEAKER: Okay. Chairman Smith
11 asked you to come and present information on --

12 MR. HAMMERLEIN: He said do you know were
13 there any cases that you have in Harris County that you
14 think that votes that were cast that probably should
15 have not been cast that a requirement for a photo ID
16 would have prevented or would have caught those votes.

17 UNIDENTIFIED SPEAKER: Okay. And had you
18 provided any of this to Representative Smith previously,
19 any of this information?

20 MR. HAMMERLEIN: No, sir.

21 CHAIRMAN SMITH: Okay. Okay. Thank you.

22 MR. HAMMERLEIN: All right. If this works,
23 we'll all be happy.

24 (Tape played as follows:

25 UNIDENTIFIED SPEAKER: Reporter Amy Davis



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1 shows you how thousands of those voters could sway this
2 election, voters who aren't even alive.

3 MS. GUIDRY: All in all, a great person, a
4 great woman.

5 MS. DAVIS: Alexis Guidry credits her
6 mother --

7 MS. GUIDRY: Just a wonderful person.

8 MS. DAVIS: -- for who she is today.

9 MS. GUIDRY: As far back as I could
10 remember, they've always voted in the election.

11 UNIDENTIFIED SPEAKER: Are you here to vote?

12 MS. DAVIS: And the March, 2008 primary was
13 no exception. Voting records show Alexis' mom, Gloria
14 Guidry, cast her ballot in person near her South Houston
15 home.

16 MS. GUIDRY: Which is very shocking, a
17 little unsettling.

18 MS. DAVIS: Unsettling because Guidry died
19 of cancer ten months before that March primary.

20 MS. GUIDRY: She would be outraged that
21 somebody would fraudulently cast a vote in her name.

22 MS. DAVIS: And Trent Seibert of Texas
23 Watchdog says you should be, too.

24 MR. SEIBERT: This is really concerning.
25 It's worrisome.



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1 MS. DAVIS: Seibert has a nonpartisan news
2 group on the web. Texas Watchdog compared Harris County
3 voter registration rolls with the Social Security death
4 index and found more than 4,000 matches, registered
5 voters that it appears are already dead.

6 UNIDENTIFIED SPEAKER: It looks like Linda
7 voted.

8 MS. DAVIS: Like Henderson Hill's late wife,
9 Linda.

10 MR. HILL: I would like to know who did it
11 myself.

12 MS. DAVIS: We don't know who used Linda
13 Hill's or Gloria Guidry's IDs to vote but we do know if
14 their names had been purged from voter rolls after they
15 died, using their IDs would not have worked.

16 MR. SEIBERT: This is a red flag. No matter
17 where you are, it should set off alarm bells. Someone
18 needs to take a look at this.

19 UNIDENTIFIED SPEAKER: We just kind of work
20 with the systems that we're allowed to.

21 MS. DAVIS: And the county system to pull
22 deceased voters from the roll seem painfully primitive.
23 Employees pull obituaries from the newspaper and sort
24 through probate records for names matching those on the
25 roll but George Hammerlein says while fraud is a concern



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1 for his office, disenfranchising voters is a bigger one.

2 MR. HAMMERLEIN: We do all we can but, you
3 know, we'd rather err on the side of leaving people on
4 the roll instead of taking them off inadvertently.

5 MS. DAVIS: But could that cautious, better
6 safe than sorry standard sway an election some say will
7 be a close one? Take a look. Texas Watchdog found more
8 than 4,400 registered voters who appear to be deceased.
9 In 2000, George Bush won the presidential election by a
10 mere 537 votes in Florida.

11 MR. HAMMERLEIN: We've never had any
12 evidence there's a concerted attempt at fraud.

13 MS. DAVIS: But there is evidence the state
14 agency in charge of ensuring only eligible voters can
15 vote is not. The state auditor's office conducted this
16 audit of the voter registration system at the Secretary
17 of State's office last November. Auditors identified
18 more than 49,000 registered voters statewide who may
19 have been ineligible to vote. 23,000 may have been
20 deceased. Another 23,000 possible felons. And they
21 found more than 2,300 duplicate records for voters. The
22 auditor did not find any instances in which potentially
23 ineligible voters actually voted but they wrote:
24 Although the Secretary of State's office has processes
25 to identify many ineligible voters and remove them from



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1 the state's voter registration list, improvements can be
2 made.

3 So, almost a year after this audit, we
4 wanted to know if the Secretary of State has made any
5 improvements. No one from that office would talk to us
6 on camera but the State's director of elections says
7 while her office identifies possible ineligible voters,
8 only the county here is authorized to cancel those
9 voters.

10 UNIDENTIFIED SPEAKER: We'd rather err on
11 leaving someone on the roll than taking someone off.

12 MR. SEIBERT: If there's something wrong
13 here, if there's something amiss, this is the worst
14 election to have that happen.

15 MS. DAVIS: And Guidry agrees.

16 MS. GUIDRY: I don't think it's a matter
17 that she would take lightly, so, yeah, I think that she
18 would definitely do all that she could just to make sure
19 things were on the up and up.

20 MS. DAVIS: We sent the information we
21 showed you to the director of elections in Austin. She
22 said her office refers any credible allegation of
23 election fraud to the Attorney General for investigation
24 and she said the cases we presented would be felony
25 violations.



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1 Amy Davis, KPRC, Local 2.

2 UNIDENTIFIED SPEAKER: Well, for more
3 information on how Texas Watchdog found dead voters on
4 the roll --

5 (End of news footage.)

6 MR. HAMMERLEIN: We think, once again,
7 the -- that those two cases -- we can go into their
8 particulars but both of them, we do think if the
9 individual -- in both cases someone did sign in in the
10 county clerk's poll book with those people's names.

11 We do think if there would have been a photo
12 ID requirement that those two individuals probably would
13 have not had the opportunity to sign in and cast those
14 votes. So, if you have any questions on that.

15 The other thing that you have in your file
16 folder are a list of 23 deceased voters, and as you read
17 across the column, you'll see they have a recorded date
18 of death and then after that, you can see where they did
19 register votes after that recorded date of death. And a
20 couple of them are pretty active and voted twice.

21 And then we do have another -- a third case
22 of Janet Sheldon, who is a volunteer deputy registrar
23 that ended up pleading guilty, where she just filled out
24 a bunch of cards. We think it was a class assignment at
25 her college, and she kind of got behind the times and



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1 then I think right before the assignment was due, she
2 filled out a bunch of cards.

3 And some of them were she took current
4 registered voters and were moving them to other places.
5 So, in that case, if someone did -- if she did redirect
6 those voter registration cards to an address that
7 accepted them, then those people could have gone and
8 voted for those individuals.

9 And she did plead guilty to 61 counts of
10 voter fraudulent application fraud. And with that, I'll
11 be glad to take any questions.

12 REPRESENTATIVE DR. ALLEN: These are in one
13 precinct or --

14 MR. HAMMERLEIN: No, ma'am. They were
15 spread out.

16 REPRESENTATIVE DR. ALLEN: They were spread
17 out?

18 MR. HAMMERLEIN: Yes, ma'am, they were
19 spread around the county.

20 CHAIRMAN SMITH: George, you heard the
21 testimony, I assume, in front of the elections committee
22 during the -- relating to Harris County. Were you
23 involved in that?

24 MR. HAMMERLEIN: No, sir, I didn't actually
25 attend that but I'm familiar tangentially with a lot of



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1 it.

2 UNIDENTIFIED SPEAKER: Okay. Well, what I
3 have here in my notes is taken from that interim study.
4 And just sort of address this. You have to some extent
5 but I have here in my notes 381 detailed cases of voter
6 fraud. You mentioned the deputy voter registrar
7 submitted 61 voter registration cards in her own
8 handwriting.

9 I have an indication here, at least it's
10 from the interim committee report, about 24 dead people
11 voting, one that died in 1983 and is still voting 13
12 years later and then something about a state
13 representative who had a church member fill out 175
14 voter registration cards.

15 MR. HAMMERLEIN: Yes, sir. Yeah, that
16 was --

17 UNIDENTIFIED SPEAKER: Address any and all
18 of that to help us understand what you're referring to.

19 MR. HAMMERLEIN: I had just come in -- the
20 Amadi case was already going on when I came in to the
21 voter registration department.

22 That was just a case in Representative
23 Hochberg's Democratic primary where he drew an opponent
24 and that individual, from the best we could tell, just
25 took a church list of particular Nigerian names and just



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1 tried to pack them all into State Representative
2 District 137.

3 And I guess he -- he was working on some
4 bizarre assumption that they were all going to vote for
5 him. He kind of had a flaw in his plan where he forgot
6 to tell them about it evidently because when these
7 people started getting their voter registrations moved,
8 they started calling our office going: What are you --

9 UNIDENTIFIED SPEAKER: Real quickly, can he
10 explain before he gets too far along what are Nigerian
11 names? He said there were Nigerian names.

12 MR. HAMMERLEIN: That was what we were told
13 by the people that came into our office when they
14 started calling us, saying: Hey, why did you move my
15 voter registration?

16 We go: Well, because you have filled out a
17 voter registration application.

18 And they said: If you'd like to challenge
19 it, come on in.

20 They came on in, and we finally realized
21 after about 13 people came in to testify that they were
22 all of Nigerian descent and they all went to a Nigerian
23 church. So, it came from the actual people that came
24 in.

25 UNIDENTIFIED SPEAKER: So, I'm still not



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1 clear on what the allegation is. Are you saying there
2 was a gentleman that was a friend of Scott's that --

3 MR. HAMMERLEIN: No. No. No. He was an
4 opponent in the Democratic primary. And so, what he was
5 doing was -- they were all saying he was of Nigerian
6 descent as well, I guess, you know, recent immigrants
7 but all legal to vote and he was -- his plan was -- I
8 guess he was, you know, not as smart as he thought he
9 was -- was to move them from all around Harris County
10 into 137 into just a few voting locations that he would
11 have access to the cards, that you still had to put the
12 mailing address -- he was changing their mailing
13 addresses and their current address.

14 But, anyway, people became aware of their
15 voter registrations being changed and contacted our
16 office and then came in and actually signed affidavits.

17 The gentleman answered his phone, and the
18 district attorney set up an appointment for him to come
19 down, and he has never been heard of since.

20 UNIDENTIFIED SPEAKER: What about the 24
21 dead people?

22 MR. HAMMERLEIN: Actually, upon examination
23 with the Social Security department, that was the list
24 that you have now of 23. One of those individuals, the
25 Social Security department since realized they had



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1 the -- they had cancelled the spouse inadvertently, then
2 the individual and since then -- both -- unfortunately,
3 both members of that couple are deceased but upon closer
4 examination of bouncing back with the Social Security
5 department, they realized they had inadvertently knocked
6 off one of the people, the wrong individual.

7 UNIDENTIFIED SPEAKER: So, are you saying --
8 is it your testimony here today that with the exception
9 of 1 or 2 of those 24, those are people that are
10 confirmed to have been voted for after they died in
11 Harris County?

12 MR. HAMMERLEIN: Yes, sir.

13 UNIDENTIFIED SPEAKER: The key, Mr.
14 Chairman, is when? I mean, those were all pre HAVA
15 cases, those 23?

16 MR. HAMMERLEIN: Yes, sir.

17 UNIDENTIFIED SPEAKER: I believe they're all
18 pre HAVA, correct?

19 MR. HAMMERLEIN: Yes, sir.

20 UNIDENTIFIED SPEAKER: And what about HAVA
21 would make that case less likely today?

22 MR. HAMMERLEIN: The voter registration --
23 are we referring to the voter registration requirements
24 itself?

25 UNIDENTIFIED SPEAKER: No. No. I'm



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1 referring to the regular updates, death rolls.

2 MR. HAMMERLEIN: Oh, within the team system?

3 UNIDENTIFIED SPEAKER: Yeah, within teams
4 and then the statewide audit.

5 MR. HAMMERLEIN: That would be -- that is a
6 better tool to have than before.

7 UNIDENTIFIED SPEAKER: All right. So, none
8 of those cases, Mr. Chairman, were post HAVA.

9 MR. HAMMERLEIN: But --

10 UNIDENTIFIED SPEAKER: Even though -- and I
11 was going to ask you something else but even though they
12 may have been post HAVA doesn't mean they didn't happen,
13 right?

14 MR. HAMMERLEIN: Right. I mean, you can get
15 with the county clerk and, you know, we -- I think --
16 all those case, I think we found obituaries, put them in
17 there, and the county clerk will certify that they have
18 voted after those obituaries' dates.

19 UNIDENTIFIED SPEAKER: So, there were 20
20 plus voters who you all investigated or someone
21 investigated and found tat they were voted for after
22 they had passed?

23 MR. HAMMERLEIN: Yes.

24 UNIDENTIFIED SPEAKER: Okay. And the reason
25 that, in my mind, is significant is one of the



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1 overwhelming arguments against anything to change has
2 been that that has never -- that doesn't happen.

3 Let me ask you on the Channel 2 News Houston
4 story that ran in October, I guess, of '08, what was the
5 results of those two situations where it was alleged, I
6 guess, that people voted for those who have passed?

7 MR. HAMMERLEIN: Well, in both cases, the
8 Harris County clerk confirmed that people did sign in in
9 the poll book and the amount -- the amount of signatures
10 in the poll book and the amount of votes cast was
11 identical. So, each signature did result in a vote.

12 The first one, Ms. Guidry had the first -- I
13 think it's in your packet. Her first two -- the first
14 two numbers on her Social Security were different on her
15 voter registration application that she had put in
16 versus her actual Social Security number. And so, even
17 if we would have done a Social Security run, that
18 wouldn't have caught it.

19 And then Ms. Hill's name never appeared with
20 any unique identifiers that -- so, there would have
21 never been a unique enough name to have been knocked off
22 because she never a Social Security number.

23 UNIDENTIFIED SPEAKER: But it was -- so that
24 it was established that there were two individuals that
25 did go cast votes in those two individuals' names?



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1 MR. HAMMERLEIN: Right. Evidently, those
2 families thought so and, I mean, you can call the Harris
3 County clerk and they will say people signed in in those
4 poll books for those people --

5 UNIDENTIFIED SPEAKER: Did they sign in --

6 MR. HAMMERLEIN: -- on election day.

7 UNIDENTIFIED SPEAKER: Did they sign in
8 under the assumed or the deceased's name?

9 MR. HAMMERLEIN: Ms. Guidry's name is kind
10 of easier to make out. The Hill is just --

11 UNIDENTIFIED SPEAKER: Kind of a blur?

12 UNIDENTIFIED SPEAKER: Did you rule out
13 mistake there? In that study, did you rule out mistake,
14 somebody signing in in the wrong spot?

15 MR. HAMMERLEIN: Well, it could have been --
16 if it was signed in in the wrong spot, there were still
17 the same amount of votes.

18 UNIDENTIFIED SPEAKER: But did you rule out
19 mistake by poll workers there or did the Channel 2
20 investigation rule out mistake by poll workers there?

21 MR. HAMMERLEIN: No. I mean, I guess, you
22 know --

23 UNIDENTIFIED SPEAKER: Do you know if they
24 ruled out mistake by poll workers there?

25 UNIDENTIFIED SPEAKER: I think the fair



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1 question is -- and I think he's asking a fair question
2 here but it kind of what I was saying earlier --

3 UNIDENTIFIED SPEAKER: I'd like an answer to
4 it. I'll let him finish.

5 UNIDENTIFIED SPEAKER: But I think that
6 that's a fair question. I'm glad you asked it because
7 it's the issue I tried to raise earlier with the
8 gentleman from NYU, which is if in this instance the
9 assumption is a mistake may have been made by someone,
10 which it certainly could have been, I don't feel that's
11 been the assumption we've used throughout the night when
12 we've talked to say the State of Georgia or anyone else
13 about provisional ballots and the number who weren't
14 counted and all.

15 In that instance -- in those instances, I
16 felt the assumption has been that those people were
17 wrongly not counted, whereas, is in instance, if we're
18 going to assume that there was a mistake made, wouldn't
19 that, in all fairness, need to be equalized across --

20 MR. HAMMERLEIN: You're saying the benefit
21 of doubt should be cast the same?

22 UNIDENTIFIED SPEAKER: The same across the
23 board because we don't know the answer on really any of
24 these questions except for some. I guess in some you
25 could prove there was some degree of certainty or at



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1 least within a court of law.

2 What -- what makes Harris County unique that
3 you all would have documented cases of people who have
4 deceased voting? I mean, do we have these cases -- and
5 you're only here from Harris County.

6 MR. HAMMERLEIN: Right.

7 UNIDENTIFIED SPEAKER: Do you know of these
8 in other counties and why, if you don't, not that you
9 should, would it be here?

10 MR. HAMMERLEIN: No. I think it's just
11 mainly a numbers game. If you have X amount, you know,
12 per whatever number are going to try to short circuit
13 the system, when you start to get up to a couple of
14 million people on the roll, then your odds are greater.

15 UNIDENTIFIED SPEAKER: What did -- what was
16 the family's speculation as to how or why or -- someone
17 would have known to vote for these individuals, assuming
18 that's what did occur intentionally? Any thoughts?

19 MR. HAMMERLEIN: Yeah. Our first -- if you
20 think you're kind of shocked, we were shocked. They
21 came and interviewed us on a totally different process,
22 had to do with Acorn.

23 And when I say actually in the video that
24 there was no cases of fraud established, I was actually
25 talking about the Acorn because we had actually had a



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1 pretty good agreement with them and were working with
2 them and their attorney fairly well to ensure that
3 things went in an orderly fashion.

4 So, it's always fascinating to see how
5 things get clipped together. When they aired this, we
6 were stunned because it had nothing to do with Acorn.
7 It had to do with these individuals.

8 So, the first time we ever became aware of
9 it was when the show aired, we did research, contacted
10 the two families and -- you know, to ask them for
11 guidance on documentation, and that's when we kind of
12 found out that their numbers -- one of them had no
13 Social Security and the other one, the number was
14 different.

15 UNIDENTIFIED SPEAKER: So, then what you're
16 telling me is that, obviously, this was post HAVA and
17 even with HAVA, the difficulty that may have created
18 these opportunities wouldn't have been corrected through
19 HAVA?

20 MR. HAMMERLEIN: I think it's a challenge
21 any time you have massive databases, it's just -- it's
22 not a perfect system and, you know, amazingly, I think
23 when there's a financial incentive like with Chase Bank,
24 they can get ATM card guys -- they've never made a
25 mistake on my account, right, but when it comes with



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1 people -- multiple people punching in identity codes,
2 you know, the driver's license, Social Security bureau
3 and then our individuals as well getting good matches,
4 you know, if one person in the chain transposes a
5 number, then --

6 UNIDENTIFIED SPEAKER: Well, I'll leave you
7 with this, and I do think it's extremely fair and
8 appropriate that as long as it's applied evenly, there
9 may have been innocent errors on both of these instances
10 but, again, if we're going to allow that as a
11 possibility, I think that possibility has to be allowed
12 in the case of other provisional ballots -- not other
13 but in provisional ballots and otherwise. Wouldn't you
14 agree with that?

15 MR. HAMMERLEIN: Yes.

16 UNIDENTIFIED SPEAKER: Thank you.

17 CHAIRMAN SMITH: Representative Anchia.

18 REPRESENTATIVE ANCHIA: Thank you.

19 Mr. Hammerlein, I'm always -- I always enjoy
20 the testimony that comes from your office because it
21 usually starts with a big splash and big allegations,
22 then you look into it and, well, maybe it wasn't all it
23 was cracked up to be.

24 And we saw that with the 13 -- 315 cases of
25 ironclad noncitizen voting that we heard about, when we



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1 looked into it, it wasn't 315. It wasn't even 22. Many
2 of the people who were alleged to vote were actually
3 U.S. citizens.

4 And I know you didn't testified to that.
5 That was, I guess, Mr. Bettencourt who testified to
6 that.

7 And then -- and then, you know, we look at
8 these cases, first the pre HAVA cases of 23 -- or was
9 it -- how many?

10 MR. HAMMERLEIN: Yes, sir, 23.

11 REPRESENTATIVE ANCHIA: 23. And what number
12 was testified to in the Senate by Mr. Johnson? Do you
13 recall? Is this a different number?

14 MR. HAMMERLEIN: I believe he --

15 REPRESENTATIVE ANCHIA: I guess it was 24 in
16 the Senate.

17 MR. HAMMERLEIN: Right.

18 REPRESENTATIVE ANCHIA: And you told me then
19 you -- you cross referenced that with Social Security
20 and it dropped down to 23.

21 MR. HAMMERLEIN: Continued correspondence,
22 they admitted they had deleted -- or tagged the wrong
23 person, the wrong spouse.

24 REPRESENTATIVE ANCHIA: There was a clerical
25 error. So, we're down to 23. And then we requested



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1 from your office the list of the 23 and noticed that
2 they were all pre HAVA.

3 Let's talk really quickly about how you deal
4 with death information in your office and how post HAVA
5 the likelihood of dead voters is substantially
6 diminished.

7 So, give me the process that you follow --
8 the sources of information that you get and how you
9 remove dead people from the voter rolls in Harris
10 County.

11 MR. HAMMERLEIN: All right. The --

12 REPRESENTATIVE ANCHIA: Post HAVA.

13 MR. HAMMERLEIN: Yes, sir. The first
14 overriding one will be updates from the Secretary of
15 State, and it's my understanding that they interact with
16 the Social Security death index multiple times a year.

17 Then we have the -- the --

18 REPRESENTATIVE ANCHIA: And how often do you
19 get those reports from the Secretary of State?

20 MR. HAMMERLEIN: Well, it's done kind of on
21 a continual basis.

22 REPRESENTATIVE ANCHIA: Weekly?

23 MR. HAMMERLEIN: Yes, sir. I mean, our
24 systems just kind of magically update from them every
25 night.



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1 REPRESENTATIVE ANCHIA: But it's weekly they
2 send you the updates from the Secretary of State?

3 MR. HAMMERLEIN: Yes, sir.

4 REPRESENTATIVE ANCHIA: Okay. Go ahead.

5 MR. HAMMERLEIN: And then there is the
6 death -- death abstracts from courts, court probates,
7 documents that come from the Harris County office and
8 then the --

9 REPRESENTATIVE ANCHIA: And how regularly do
10 those come? Those come monthly, don't they?

11 MR. HAMMERLEIN: I mean, I think we get
12 those almost weekly. We get batches of them, yes, sir.

13 REPRESENTATIVE ANCHIA: At least monthly.
14 If you get them weekly, that's good. Okay.

15 MR. HAMMERLEIN: And then we do the
16 laborious thing of -- there's a process I inherited and
17 it just kept going because it seems to work somewhat.
18 We go through the obituaries.

19 REPRESENTATIVE ANCHIA: And thank you for
20 doing that, by the way. That's good -- that's good
21 detective work.

22 MR. HAMMERLEIN: And they -- the people look
23 and try to find a positive match as much as possible.
24 And then we send a dear family letter. And I think they
25 have 60 days to respond and if they don't, then we'll



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1 mark them in the deceased column.

2 REPRESENTATIVE ANCHIA: And then you remove
3 them from the rolls, right?

4 MR. HAMMERLEIN: Yes, sir.

5 REPRESENTATIVE ANCHIA: Okay. So, the
6 updates happen pretty regularly post HAVA. And then
7 overlaid on top of that is the state auditor who looks
8 at the statewide database, right? I mean, at another
9 level above the county, you have a state auditor who
10 comes in for HAVA and audits the statewide database for
11 possibly deceased voters; is that not right?

12 MR. HAMMERLEIN: I'm not familiar with the
13 processes above the -- outside the Secretary of State
14 but I'll take your word for it.

15 REPRESENTATIVE ANCHIA: All right. Well, it
16 was in the video that you presented.

17 MR. HAMMERLEIN: I know they did a -- I know
18 they did an analysis of all the team counties is what
19 the Secretary of State -- I mean, the AG's office and
20 the auditor worked out.

21 REPRESENTATIVE ANCHIA: The auditor and the
22 AG. Right. Right. Right. And do you recall in your
23 video how many possibly deceased voters were on the
24 list?

25 MR. HAMMERLEIN: I think they said 44,000,



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1 something like that. That's -- I think upon closer
2 examination, you'll find their analysis didn't include
3 like Harris County, Bexar County. I don't think it
4 included Travis.

5 REPRESENTATIVE ANCHIA: I think it included
6 all of the those. We can call up the Secretary of
7 State.

8 MR. HAMMERLEIN: Right. My understanding,
9 it only included team counties. We're called off line
10 counties, which is --

11 REPRESENTATIVE ANCHIA: Okay. I'm looking
12 at the Secretary of State's office nodding their head
13 that everybody was included.

14 MR. HAMMERLEIN: That was every county?

15 REPRESENTATIVE ANCHIA: It was statewide.
16 So, let's just assume everybody was in. Do you recall
17 how many potential dead voters -- and again it was in
18 the video that you presented -- were removed from the
19 list?

20 MR. HAMMERLEIN: No. I mean, they -- I just
21 know the possible 4400 but, I mean, they would still
22 have to be explored.

23 REPRESENTATIVE ANCHIA: It was 49,000 total.
24 Some of those were possible felons, right?

25 MR. HAMMERLEIN: Right.



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1 REPRESENTATIVE ANCHIA: And then you had
2 possible dead voters that were removed. That was
3 something around -- I'll just split up since it was
4 almost 50,000, 25 and 25.

5 MR. HAMMERLEIN: Right.

6 REPRESENTATIVE ANCHIA: And then do you
7 recall how many of those 49,000 had voted?

8 MR. HAMMERLEIN: I think they said they
9 didn't find any.

10 REPRESENTATIVE ANCHIA: Zero.

11 MR. HAMMERLEIN: Right.

12 REPRESENTATIVE ANCHIA: All right. So,
13 let's -- we talked about the 23 dead voters all pre HAVA
14 and that their system is in place to deal with that.

15 Let's talk really quickly about the -- the
16 Sheldon case and -- and we could also talk about
17 Dashwood case. I know Mr. Johnson testified to that in
18 the Senate.

19 MR. HAMMERLEIN: Yes.

20 REPRESENTATIVE ANCHIA: Both of those relate
21 to voter registration fraud, correct?

22 MR. HAMMERLEIN: Yes, sir.

23 REPRESENTATIVE ANCHIA: And neither of those
24 relate to impersonation at the polls, correct?

25 MR. HAMMERLEIN: No. The -- I guess the



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1 reason I thought they were significant is if it wouldn't
2 have been caught by -- because they were all -- they
3 came all together in the mail or one operator gets a
4 stack and they just see the same handwriting and same
5 signature over and over, that brought their attention to
6 it.

7 So, if it wouldn't have been a case like
8 that, they would have been processed and would have been
9 distributed and those cards would have been gone out
10 into the community and could have been acted upon.

11 REPRESENTATIVE ANCHIA: And are you aware of
12 any correlation between voter registration fraud and in
13 person voter impersonation at the polls, any credible
14 studies?

15 MR. HAMMERLEIN: No, sir, because, I mean,
16 there are no tools to do that that I'm aware of.

17 REPRESENTATIVE ANCHIA: Well, there are
18 studies out there that suggest there's no correlation
19 but I was wondering if you were aware of that?

20 MR. HAMMERLEIN: No, sir.

21 REPRESENTATIVE ANCHIA: So, that is evidence
22 of voter registration fraud but not evidence of voter
23 impersonation at the polls, correct?

24 MR. HAMMERLEIN: Yes, sir.

25 REPRESENTATIVE ANCHIA: Okay. And then the



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1 Hochberg case -- because I probably can't pronounce the
2 other name -- those were also voter registration fraud,
3 correct?

4 MR. HAMMERLEIN: Yes, sir.

5 REPRESENTATIVE ANCHIA: None of them related
6 to in person voter impersonation at the polls, correct?

7 MR. HAMMERLEIN: No.

8 REPRESENTATIVE ANCHIA: Because people tried
9 to go to their regular precinct and they found that they
10 were registered to another precinct, right?

11 MR. HAMMERLEIN: Actually, most of them
12 found out before that -- they found out their voter
13 registration had been changed from their residence, and
14 they called us to say why are you doing this.

15 REPRESENTATIVE ANCHIA: But there were no
16 cases of in person voter fraud there, correct?

17 MR. HAMMERLEIN: Well, no. That one we
18 actually exposed it before the election.

19 REPRESENTATIVE ANCHIA: Okay. And then the
20 Dashwood case, I guess, are you familiar with the
21 Dashwood case?

22 MR. HAMMERLEIN: Yes, sir.

23 REPRESENTATIVE ANCHIA: There were -- there
24 was -- there were 121 voter registration cards requested
25 interestingly from El Paso for some reason --



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1 MR. HAMMERLEIN: Yes.

2 REPRESENTATIVE ANCHIA: -- which is bizarre.

3 MR. HAMMERLEIN: That is bizarre.

4 REPRESENTATIVE ANCHIA: Not a very smart way
5 to do voter registration fraud, and at a false address,
6 correct?

7 MR. HAMMERLEIN: Right, and that's what --
8 our mapping department caught it because they were
9 trying to place things and saying this doesn't -- we
10 can't attach them to a voting district because these
11 addresses don't match any district.

12 REPRESENTATIVE ANCHIA: And that was also
13 voter registration fraud, correct?

14 MR. HAMMERLEIN: Yes, sir.

15 REPRESENTATIVE ANCHIA: And not in person
16 voter fraud.

17 MR. HAMMERLEIN: Right.

18 REPRESENTATIVE ANCHIA: So, let's talk about
19 these two new cases that were articulated. I noticed --
20 what was the number that the Texas Watchdog group, the
21 guy that was really animated in the video, the guy who
22 was trying to sell products --

23 MR. HAMMERLEIN: I think he said he had --
24 interesting because they attacked our office --

25 REPRESENTATIVE ANCHIA: He was just very



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1 animated. I think he's not credible because he alleged
2 4,000 and then ultimately there were 2, right? And in
3 Dallas County, by the way, they alleged 6,000 and found
4 none. So -- so --

5 MR. HAMMERLEIN: Yeah, they attacked -- and
6 they were hard on our office, accusing us of being lacks
7 and --

8 REPRESENTATIVE ANCHIA: Well, I think that's
9 unfair. I think that's unfair.

10 MR. HAMMERLEIN: So, I guess if we're
11 getting attacked from all sides, we're doing okay.

12 REPRESENTATIVE ANCHIA: So, with respect --
13 so, with respect to the Guidry case, I noticed in the
14 packet that you provided us, there is -- there is no
15 photocopy of the signatures on the poll book, right?

16 MR. HAMMERLEIN: Yes.

17 REPRESENTATIVE ANCHIA: Did anybody go back
18 and look at those signatures to determine what they
19 said? You said you saw the Hill signature?

20 MR. HAMMERLEIN: I did. We went up and
21 looked at both of them and --

22 REPRESENTATIVE ANCHIA: But you didn't
23 present that in -- in our documents?

24 MR. HAMMERLEIN: And we didn't get a copy of
25 them from the county clerk. We just wanted to make



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1 sure -- because we saw the story, it was one that
2 actually happened and they went to the county clerk and
3 they pulled out a poll book and started going through
4 it.

5 REPRESENTATIVE ANCHIA: You said on the Hill
6 signature, it was tough to tell what the signature said
7 at all, correct?

8 MR. HAMMERLEIN: Yes, sir.

9 REPRESENTATIVE ANCHIA: And a poll worker --

10 MR. HAMMERLEIN: It was kind of short, could
11 have been Hill.

12 REPRESENTATIVE ANCHIA: Also could not have
13 been Hill, right?

14 MR. HAMMERLEIN: Probably.

15 REPRESENTATIVE ANCHIA: It was very
16 difficult to term is what your testimony is?

17 MR. HAMMERLEIN: Yeah, they weren't getting
18 As in penmanship.

19 REPRESENTATIVE ANCHIA: Okay. Okay. And in
20 the Hill case, did they also rule out the possibility
21 that -- of clerical error by the poll worker? Clearly,
22 the poll worker didn't do a signature match, right? I
23 mean, that's -- that would have been something under
24 current law that they could have done, correct, a
25 signature match?



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1 MR. HAMMERLEIN: Right.

2 REPRESENTATIVE ANCHIA: If the allegation is
3 somebody showed up with somebody else's -- with
4 Mr. Hill's or Ms. Hill's Social Security card --

5 MR. HAMMERLEIN: Right, I mean, if they
6 would have said we want to see your voter registration
7 card, see whether it matches but, to be honest, I've
8 never, ever seen that done for anyone. You just go sign
9 in and just --

10 REPRESENTATIVE ANCHIA: Alternatively, they
11 could have signed up with a driver's license, right?

12 MR. HAMMERLEIN: Right.

13 REPRESENTATIVE ANCHIA: I mean, it's
14 possible?

15 MR. HAMMERLEIN: Sure.

16 REPRESENTATIVE ANCHIA: So, we don't know in
17 that case how they voted, right? And -- is that right?

18 MR. HAMMERLEIN: Yes, sir.

19 REPRESENTATIVE ANCHIA: We don't know -- we
20 don't know if, in fact, somebody came in voting for
21 Mr. Hill, we're not sure of that, correct?

22 MR. HAMMERLEIN: No, I mean --

23 REPRESENTATIVE ANCHIA: Because we can't
24 determine the signature, correct?

25 MR. HAMMERLEIN: That's correct.



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1 REPRESENTATIVE ANCHIA: And we can't tell if
2 they used a voter registration card or a driver's
3 license, correct?

4 MR. HAMMERLEIN: No, sir.

5 REPRESENTATIVE ANCHIA: Okay. In the case
6 of Gloria Guidry, did you have a chance to look at the
7 signature in the poll book?

8 MR. HAMMERLEIN: Yes, sir.

9 REPRESENTATIVE ANCHIA: Okay. And tell me a
10 little bit about that.

11 MR. HAMMERLEIN: That one does represent
12 that person's name a lot closer.

13 REPRESENTATIVE ANCHIA: Okay. Okay. Were
14 there any other Guidrys? Did you take a look to see if
15 there were any other Guidrys in the poll book at that --
16 was that election day or early voting, do you recall?

17 MR. HAMMERLEIN: No, sir, I don't recall. I
18 just remember looking at the sheet of paper.

19 REPRESENTATIVE ANCHIA: Do you recall if
20 there were other --

21 MR. HAMMERLEIN: Yes, sir. Well, there was
22 another one above it.

23 REPRESENTATIVE ANCHIA: Another Guidry above
24 it?

25 MR. HAMMERLEIN: Their name was longer and



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1 then this one below it.

2 REPRESENTATIVE ANCHIA: Was the signature
3 clearly not the one -- the signature for the one above
4 it?

5 MR. HAMMERLEIN: I wouldn't have thought it
6 was the same but, I mean, it could have been if they
7 were devious people.

8 REPRESENTATIVE ANCHIA: Were you able to
9 rule out clerical error in that -- in the Guidry case?

10 MR. HAMMERLEIN: After the fact, it's tough
11 because you say -- I'm just picking a number but it was
12 like the county clerk says there's 102 signatures in the
13 book and 102 votes.

14 You know, we went by and if this person was
15 deceased and they signed in, then that -- and it's her
16 name next to her -- her printed name in the poll book,
17 then that's a problem.

18 REPRESENTATIVE ANCHIA: Was there also a
19 signature in the -- for the Guidry directly above?

20 MR. HAMMERLEIN: Yes, sir.

21 REPRESENTATIVE ANCHIA: So, there -- and was
22 that a Guidry signature?

23 MR. HAMMERLEIN: Yes, sir.

24 REPRESENTATIVE ANCHIA: You're positive of
25 that?



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1 MR. HAMMERLEIN: Yes.

2 REPRESENTATIVE ANCHIA: Okay. And were
3 there any other Guidrys in the -- in the -- that polling
4 location or on that -- on the list?

5 MR. HAMMERLEIN: On that sheet, I don't
6 believe so, sir.

7 REPRESENTATIVE ANCHIA: Okay. Okay. Could
8 you provide copies of the signatures for our office?

9 MR. HAMMERLEIN: Yes, sir.

10 REPRESENTATIVE ANCHIA: I noticed they
11 weren't in here. Thanks for your testimony today.

12 MR. HAMMERLEIN: Sure.

13 CHAIRMAN SMITH: Representative Bonnen --
14 I'm sorry -- Allen. Allen.

15 REPRESENTATIVE DR. ALLEN: I wanted to ask
16 you about this Harris County --

17 MR. HAMMERLEIN: Yes, ma'am.

18 REPRESENTATIVE DR. ALLEN: -- voter deceased
19 list. I like for everybody to -- if you have it in your
20 hands, I'd like for you to look at it, please.

21 This happened over a period of 16 years,
22 counting up to 2009. In 1994, you had one incident. In
23 '95, no incidents. In 1996, you had 7 incidents. In
24 '97, none. In '98, 11. '98 seemed to be a popular
25 year. '99, you had none. 2000, you had 1. 2001, you



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1 had none. '2, '3, '4, '5, '6, 2007, 2008, 2009, you had
2 none.

3 So, that totalled up to 23 deceased voters
4 voting over a period of 16 years from 1994 to 2009 to
5 today. So, you had -- if you take 16 years and you
6 divide it by 23 deceased persons, you come up with an
7 average of 1.7 persons voting per year. Stuff happens.
8 One a year.

9 MR. HAMMERLEIN: Well, I -- I guess we could
10 establish a bottom threshold of potential voter fraud in
11 the legislature that's acceptable but I would think in
12 races like in Pasadena, Texas where they had three in a
13 row where it was either one vote, tied and then back to
14 one vote, that those people would probably think that we
15 use every safeguard possible to make sure we get an
16 accurate roll.

17 REPRESENTATIVE DR. ALLEN: And I agree with
18 that. I simply mean you're averaging one a year. So,
19 it doesn't look as bad as that, and stuff happens.

20 Let me say something else, that if you look
21 in the registry of names there, there are 281 Linda
22 Hills in Texas. 281. Mistakes happen.

23 There's a John Smith and a John Smith, Jr.
24 So, I don't know whether the John Smith signed onto the
25 John Smith, Jr.'s name.



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1 So, clearly, some mistakes could have been
2 made here, and I ask -- purposely asked if these were in
3 one precinct. So, if I was voting and these were spread
4 all over Harris County, the impact of 1 person -- 1.7
5 person's voting in 23 years -- in 16 years, it was not
6 like somebody was trying to get commit voter fraud. I
7 mean, how many elections can you impact with 1.7 votes
8 over 16 years?

9 MR. HAMMERLEIN: Well, once again, I guess
10 it's up to this body to establish the acceptable level
11 of fraudulent votes, and we'll be glad to work with it.

12 REPRESENTATIVE DR. ALLEN: There's no
13 level -- there's no level of fraudulent votes that we
14 will accept. I just wanted you to know that it
15 doesn't --

16 CHAIRMAN SMITH: Representative Bohac.

17 REPRESENTATIVE BOHAC: Welcome to the
18 committee. It is late. I'm going to be quick.

19 Are you familiar with the Progreso
20 Independent School District case that's in front of the
21 Attorney General's office now?

22 MR. HAMMERLEIN: No, sir, I'm not.

23 REPRESENTATIVE BOHAC: Can I explain it to
24 you? And then I'm going to ask you some questions about
25 it.



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1 UNIDENTIFIED SPEAKER: Well, now, that will
2 be a real informed -- real informed response but go
3 ahead.

4 REPRESENTATIVE BOHAC: Well, it's related to
5 what we're testifying about here in general about voter
6 fraud.

7 It involves -- I'm not going to use the
8 people's names, although the names are common knowledge
9 because this is all public data. It just says person
10 A's affidavit alleges that he was approached by person B
11 to vote illegally, using voter registration certificates
12 of three individuals.

13 This person states that he voted with one of
14 the certificate and received \$10 from person A.

15 In another case in this same alleged
16 criminal conduct, it says person C, a poll watcher,
17 states that she observed a person she believed was
18 attempting to vote using another person's identity.

19 In another part of this criminal conduct
20 case, it says person D -- this is all the same case --
21 person D's affidavit alleging that person -- that person
22 E offered her money in exchange for her vote. He also
23 allegedly offered her voter registration certificates in
24 other persons' names to use to vote and take care of her
25 traffic tickets if she assisted in illegal voting.



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1 I'm not making this up.

2 And then finally in this last paragraph here
3 it says person F served as a poll watcher. In her
4 affidavit in the same Progreso Independent School
5 District case, in her affidavit, she claimed that she
6 saw election officials qualifying voters to vote without
7 presenting their certificates or any other form of
8 identification.

9 She also claims that she saw a voter attempt
10 to vote illegally using another person's certificate.

11 Now, being in the position that you are --
12 and I don't know what the outcome of this case is going
13 to be but these are pretty serious allegations, and
14 they're signed affidavits. So, I don't know what the
15 ultimate outcome is going to be but do you think voter
16 ID, if we had voter ID, would help in any of these
17 cases?

18 MR. HAMMERLEIN: Yeah. I mean, this is
19 obviously speculation on my part but from the small
20 amount of information I've got from you, it does seem
21 like it would have added a level of security that's not
22 there now where you can just walk in with an orange card
23 and take it at face value.

24 I mean, if you had to have something to go
25 with it, even if -- even under current law if you just



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1 had to have an additional envelope or something, you
2 know, from a government agency would have added -- would
3 have put a big dent in this program if it is, you know,
4 as it's spelled out.

5 REPRESENTATIVE BOHAC: And, likewise, if
6 there are indeed some few instances, as Dr. Allen
7 stated, there are just a handful of dead people who are
8 voting statewide, a voter ID would also help in those
9 particular cases as well, I would suspect that would be
10 the case because you're verifying the person who is
11 walking in is indeed the person who is voting?

12 MR. HAMMERLEIN: Right.

13 REPRESENTATIVE BOHAC: So -- and I know
14 you're neutral on the bill but it just seems to me that
15 in this discussion that we've had tonight, there's --
16 there's -- I believe there's some compelling reasons why
17 we may want to adopt voter ID as a policy for the State
18 of Texas.

19 And anyway, I appreciate you driving all
20 this way and making us aware of these particular
21 situations.

22 MR. HAMMERLEIN: Thank you.

23 CHAIRMAN SMITH: Representative Bonnen.

24 REPRESENTATIVE BONNEN: On the cases of the
25 voter registration fraud that Representative Anchia



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1 raised, was anyone successfully prosecuted in those
2 cases?

3 MR. HAMMERLEIN: The only one that really
4 had something tangible was the Janice Sheldon case where
5 she pleaded guilty and then one of the other cases, when
6 the district attorney called him, he agreed to come in
7 and then moved --

8 REPRESENTATIVE BONNEN: Never showed up?

9 MR. HAMMERLEIN: Yeah, moved out of town.

10 REPRESENTATIVE BONNEN: Now, I don't know
11 the cases by heart so what about the one where they
12 mailed them all in from El Paso or whatever and then --

13 MR. HAMMERLEIN: I think that was turned
14 over to the El Paso authorities, and we've never heard
15 anything else.

16 REPRESENTATIVE BONNEN: Let me ask you this
17 question: Would it be fair to say that you need to have
18 a voter registration -- you don't have to but
19 wouldn't -- what would be the next step beyond voter
20 registration fraud? Would that be an illegal vote?

21 MR. HAMMERLEIN: You mean the next step from
22 illegal voter registration?

23 REPRESENTATIVE BONNEN: If you successfully
24 illegally register people to vote, then what are you
25 doing? What's next?



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1 MR. HAMMERLEIN: Like -- it, obviously,
2 opens that door that wasn't open before.

3 REPRESENTATIVE BONNEN: Not to put it to you
4 but to me -- and I'm not an election official but
5 wouldn't the logical next step then be to have people to
6 show up to cast votes in the names of the people they
7 illegally registered?

8 MR. HAMMERLEIN: Well, that certainly offers
9 the opportunity.

10 REPRESENTATIVE BONNEN: Okay. So, in all
11 the instances that registration fraud was found, I guess
12 we should assume with the same vigor that every one of
13 those was intended to be an in person voter fraud?

14 MR. HAMMERLEIN: Yeah, it's hard to read
15 intent but, I mean, if -- if properly executed --

16 REPRESENTATIVE BONNEN: Then why else would
17 I do it?

18 MR. HAMMERLEIN: If properly executed, I
19 guess it gives people the opportunity.

20 REPRESENTATIVE BONNEN: Well, let me ask you
21 why some of those cases were not prosecuted because --
22 or you just don't know if they were or not?

23 MR. HAMMERLEIN: Well, I don't think they
24 had enough to -- they couldn't reverse engineer to find
25 the individual.



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1 REPRESENTATIVE BONNEN: It's hard to track
2 them down?

3 MR. HAMMERLEIN: Right.

4 REPRESENTATIVE BONNEN: Okay. Thank you.

5 UNIDENTIFIED SPEAKER: Is there any
6 correlation between voter registration fraud and in
7 person voter fraud?

8 MR. HAMMERLEIN: Not that I'm aware of.

9 UNIDENTIFIED SPEAKER: Okay. In the El Paso
10 case, the Dashwood -- Dashwood was related to El Paso?

11 MR. HAMMERLEIN: Yes, sir. Yes, sir.

12 UNIDENTIFIED SPEAKER: The referral was made
13 to the district attorney in Harris County or to the
14 district attorney in El Paso?

15 MR. HAMMERLEIN: I want to say we gave it
16 to -- well, I know we gave it to the district attorney
17 in Harris County and I think they promptly, doing what
18 good bureaucrats do, shipped it to El Paso County.

19 UNIDENTIFIED SPEAKER: And you don't know
20 the outcome one way or the other, whether they
21 prosecuted anything or not?

22 MR. HAMMERLEIN: No, sir, not to my
23 knowledge.

24 UNIDENTIFIED SPEAKER: So, we don't know for
25 a fact that they dropped it or we don't know for a fact



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1 if they prosecuted it?

2 MR. HAMMERLEIN: No, sir. Our office has
3 never been contacted back.

4 UNIDENTIFIED SPEAKER: And did you guys ever
5 follow up?

6 MR. HAMMERLEIN: I haven't called out there
7 and seen what's going on.

8 UNIDENTIFIED SPEAKER: Okay. And you're
9 testifying on the bill today, correct, not for it?

10 MR. HAMMERLEIN: Yes, sir. We'll be happy
11 to execute whatever election law you pass.

12 UNIDENTIFIED SPEAKER: Okay. On the cases
13 that you received earlier that I guess Representative
14 Bohac was talking about earlier, are you familiar with
15 those cases?

16 MR. HAMMERLEIN: No, sir.

17 UNIDENTIFIED SPEAKER: Okay. Do you know if
18 they've -- if any of those affidavits have been cross
19 examined or not?

20 MR. HAMMERLEIN: No, sir. I --

21 UNIDENTIFIED SPEAKER: Do you know the
22 conflict histories of any of the affiants in those
23 affidavits?

24 MR. HAMMERLEIN: No, sir. I have completely
25 uninformed speculation on this.



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1 UNIDENTIFIED SPEAKER: Okay. Thank you.

2 MR. HAMMERLEIN: Yes, sir.

3 CHAIRMAN SMITH: Any other questions from
4 the members of the committee? Anybody? Okay.

5 REPRESENTATIVE DR. ALLEN: Could you tell me
6 how many DPS offices there are in Harris County to
7 obtain IDs?

8 MR. HAMMERLEIN: No, ma'am.

9 CHAIRMAN SMITH: I'm being told that we'll
10 have DPS here tomorrow.

11 REPRESENTATIVE DR. ALLEN: Okay. We'll have
12 DPS here tomorrow. I'll ask the question tomorrow.

13 Thank you.

14 CHAIRMAN SMITH: Representative Veasey.

15 REPRESENTATIVE VEASEY: What's your
16 position?

17 MR. HAMMERLEIN: I'm the director of voter
18 registration for Harris County.

19 REPRESENTATIVE VEASEY: Is that a partisan
20 position?

21 MR. HAMMERLEIN: No.

22 REPRESENTATIVE VEASEY: Are you a -- are you
23 a Democrat or a Republican when you're not working?

24 MR. HAMMERLEIN: I'm a Houstonian.

25 REPRESENTATIVE VEASEY: Okay. But I mean,



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1 what do you consider yourself? Because what I'm trying
2 to establish here and what I don't understand is that
3 you testified that you will come in as a resource
4 witness; is that correct?

5 MR. HAMMERLEIN: Yes, sir.

6 REPRESENTATIVE VEASEY: And that you're
7 neutral on the bill. So, where is the video that also
8 shows all of the voters that were -- that had tried to
9 register to vote legally in Harris County for this past
10 election cycle but that they were denied their right to
11 exercise --

12 MR. HAMMERLEIN: I'm not aware of any.
13 First, one, I wasn't asked to produce that and, two, I'm
14 unaware of any.

15 REPRESENTATIVE VEASEY: Yeah, but I'm -- if
16 you're a resource witness and you're here to --

17 CHAIRMAN SMITH: No. That wouldn't be
18 accurate, Marc. Certain people were asked by one side
19 to testify to certain issues and other people were asked
20 by the other side to testify. He's not technically a
21 resource witness as is the Secretary of State.

22 REPRESENTATIVE VEASEY: Well, it sounds like
23 that he testified on behalf of the bill and -- and, you
24 know, in Harris County, I guess more than 13,000 voter
25 registration applicant hadn't been processed and this --



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1 MR. HAMMERLEIN: That's a nice -- that's a
2 nice thing to repeat. When we got over 110,000 voter
3 registration applications on cut off and the two days
4 after cut off, yeah, obviously, they're not effective
5 for 30 days, and we can -- so that when early voting
6 starts within a couple of weeks after cut off, when
7 people say do you still have you haven't produced -- or
8 processed, well, absolutely we haven't processed them
9 but they wouldn't be eligible to vote anyway during
10 early voting because they turned them in on the cut off
11 day.

12 So, no one was denied the right to vote.

13 REPRESENTATIVE VEASEY: And -- but -- and
14 see, the problem that I have is that the emphasis, once
15 again -- and I pointed this out earlier for the people
16 that actually came to speak on behalf of the voter ID
17 bill, the emphasis is always on, you know, the so-called
18 voter fraud or the so-called voter impersonation that we
19 still haven't seen any evidence of.

20 And what I'm asking you is that, you know,
21 you -- why is there not the same level of intensity
22 about all these voters that tried to register to vote in
23 Harris County that were denied the right to do so and
24 their applications were not processed? Did you --

25 MR. HAMMERLEIN: I just explained to you.



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1 I'll be glad to explain again if you're having a hard
2 time with it.

3 REPRESENTATIVE VEASEY: There was a story
4 that you put on the air a second ago that you just --

5 MR. HAMMERLEIN: Right.

6 REPRESENTATIVE VEASEY: -- put on video that
7 you put on the projector and there was another story
8 that showed how these applicants weren't being
9 processed, and what I'm saying is that the emphasis
10 seems to be on, you know, voter impersonation or
11 so-called voter impersonation but I don't see the same
12 side talking about, you know, the people that have been
13 disenfranchised.

14 MR. HAMMERLEIN: I'm not aware of anyone
15 that's been disenfranchised. If you're aware of any
16 names that we can investigate --

17 REPRESENTATIVE VEASEY: Why did the
18 gentleman that was previously elected to oversee your
19 office, why did he resign shortly after being reelected,
20 after going out there campaigning, spending money?

21 MR. HAMMERLEIN: Actually, he didn't
22 campaign and he didn't spend any money. I think C&Es
23 are available, and you can go check those with the Texas
24 Ethics Commission.

25 REPRESENTATIVE VEASEY: But he had to put



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1 his name on the ballot.

2 MR. HAMMERLEIN: He did about a year out
3 from the election, and then his personal situations
4 changed, and he got a job offer.

5 REPRESENTATIVE VEASEY: Why is it alleged
6 that he --

7 MR. HAMMERLEIN: Well, I mean, people can
8 allege anything, can't they?

9 REPRESENTATIVE VEASEY: According to what
10 you know as a Houstonian, as you stated you were
11 earlier --

12 MR. HAMMERLEIN: Yes.

13 REPRESENTATIVE VEASEY: -- and from the
14 articles that you've read in the HOUSTON CHRONICLE and
15 that you've seen on local media reports in Harris
16 County, tell me, to your best recollection, why is it
17 thought that your previous boss resigned?

18 UNIDENTIFIED SPEAKER: What does it have to
19 do with voter ID?

20 REPRESENTATIVE VEASEY: Well, because he
21 came and he showed this video.

22 UNIDENTIFIED SPEAKER: He showed a video
23 produced by Channel 2 News in Houston, Texas.

24 REPRESENTATIVE VEASEY: Okay. I know but
25 I'm trying to ask -- I want to establish -- I want to



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1 see your office put some emphasis on the other side.

2 MR. HAMMERLEIN: Well, I encourage you to
3 come to our office --

4 REPRESENTATIVE VEASEY: That's the point
5 that we're trying to make.

6 MR. HAMMERLEIN: Well, I encourage you to
7 come to our office any day and you'll see the emphasis
8 we put on voter registration eight hours a day, five
9 days a week on processing hundreds of thousands of voter
10 registration cards.

11 REPRESENTATIVE VEASEY: But you're not going
12 to tell me why your boss resigned -- why he allegedly
13 resigned?

14 MR. HAMMERLEIN: Well, I don't think he
15 allegedly resigned. I think he actually did resign but
16 he resigned to take a job in the private sector, which
17 he has now, and you can give him a call and ask him.

18 CHAIRMAN SMITH: Just a question, there
19 was -- Mr. Representative Anchia was making the point
20 that he doesn't believe there's any correlation between
21 impersonation fraud and voter registration fraud. Now,
22 unless I'm missing something, it's fair to presume that
23 when someone engages in voter registration fraud that
24 they do so with the intent to ultimately follow that up
25 with casting a fraudulent vote. Is that reasonable?



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1 MR. HAMMERLEIN: Yes, sir. I mean, that
2 does seem like that would be the point of the drill.

3 CHAIRMAN SMITH: Okay. And if that's the
4 case, then the only question is is that fraud going to
5 occur by way of absentee ballot or by way of voter
6 impersonation, right? Those are the two possibilities?

7 MR. HAMMERLEIN: Yes, sir.

8 CHAIRMAN SMITH: One of which --

9 UNIDENTIFIED SPEAKER: Or both.

10 CHAIRMAN SMITH: -- has a longer paper trail
11 established, that being absentee ballot, one of which
12 has a shorter paper trail. So, in terms of making
13 assumptions, if we know people are in the public are out
14 there committing fraud with regard to registering
15 voters, there's certainly no reason to assume that they
16 ultimately would have cast an absentee ballot over
17 having voted in person. You can make either assumption,
18 is that the agreement?

19 MR. HAMMERLEIN: Yes, sir.

20 CHAIRMAN SMITH: And so, you know, I don't
21 know that there's a correlation between that and either
22 type of potential fraud that would occur at that point
23 but I do think that to the extent that there is a lot of
24 evidence in front of this committee of voter
25 registration fraud, that is additional evidence of voter



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1 fraud of one type or another. And, again, either side
2 can assume what they want to about which would have been
3 more likely to occur.

4 UNIDENTIFIED SPEAKER: Let me ask you this
5 on voter registration fraud: Why, in your professional
6 opinion, is -- what are you again?

7 MR. HAMMERLEIN: Director of voter
8 registration.

9 UNIDENTIFIED SPEAKER: Okay. Why would
10 Dennis Bond in his argument say choose to fraudulently
11 register 500 or 30 or 18, pick the number of voters in
12 Brazoria or -- forget it -- Harris County, I'm going to
13 move up there and do that. Why would I do that.

14 MR. HAMMERLEIN: One would be if you're a
15 paid volunteer of an organization and you're either paid
16 by the card, which you're not supposed to be, but we
17 know they are, and then there's -- or they get a quota.
18 So, that's a financial incentive.

19 And then I guess there would always be the
20 incentive to actually affect the outcome of an election.

21 UNIDENTIFIED SPEAKER: Which both would have
22 the same impact, though, wouldn't they, because even if
23 I'm getting paid, if I'm actually -- and I understand
24 the logic there, I'm doing it not because I even really
25 want to change the outcome of the election, I want to --



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1 and I'm not casting a net of accusation but I am
2 watching the news, which could be totally inaccurate for
3 all I know, the Acorn situation that was reported -- I
4 don't know if it's accurate -- that was what was
5 occurring that certain people needed to meet a certain
6 number of registrants, so they simply did that
7 fraudulently.

8 Those individuals may have not even cared if
9 someone showed up to vote but -- but what other reason
10 would there be? That would be it, wouldn't there?

11 MR. HAMMERLEIN: I would just think it would
12 be financial and political.

13 UNIDENTIFIED SPEAKER: And that would be it,
14 though?

15 MR. HAMMERLEIN: Those are the only two I
16 can think of.

17 UNIDENTIFIED SPEAKER: And wouldn't -- even
18 if you're being paid -- and let's say Dennis Bond is
19 being paid by the Republican party of Texas to register
20 people to vote and I'm behind and so, I produce
21 fraudulent documents, wouldn't still then, though, the
22 whole activity, whether I behaved on my own within that
23 activity fraudulently, isn't the ultimate outcome of
24 that activity to then get people to vote to have more
25 ballots cast, correct?



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1 MR. HAMMERLEIN: Seems like that would be
2 the logic.

3 UNIDENTIFIED SPEAKER: Thank you.

4 CHAIRMAN SMITH: Representative Anchia.

5 REPRESENTATIVE ANCHIA: Yeah, Mr. Chairman,
6 just responding to the premise that you laid out, I
7 think the most constructive example is the one that Mr.
8 Hammerlein presented in the Sedgwick case.

9 What was the intent of Ms. Sedgwick in
10 engaging in voter registration fraud? This is the one
11 case that we actually have prosecuted that he's
12 testified to. What was the intent? Was it to commit
13 voter fraud or what you testified to today?

14 MR. HAMMERLEIN: Well, her testimony was
15 that she was behind in a college extra credit program.

16 REPRESENTATIVE ANCHIA: And she made them
17 up, she went through the phone book?

18 MR. HAMMERLEIN: Well, she made some of them
19 up and I think 25 of them were actually current
20 registered voters that she moved to new locations for
21 some reason.

22 REPRESENTATIVE ANCHIA: Okay. Was her
23 intent to get all of those people that she either made
24 up or current registered voters to vote in the election?
25 Did she testify to that?



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1 MR. HAMMERLEIN: No. She said she was doing
2 it just merely because of the academic requirement.

3 REPRESENTATIVE ANCHIA: And I would submit,
4 Mr. Chairman, that there are academic studies on this
5 that I'd like to present to the -- to the committee,
6 including from the EAC, a draft report from the EAC that
7 I have here. I'll get you the final report. That
8 suggested there's absolutely zero correlation between
9 voter registration fraud and voter fraud.

10 And that's -- that's not a hypothetical. We
11 have the one actual case that Mr. Hammerlein testified
12 to that has been prosecuted.

13 And then I'm happy to present -- because I
14 think the premise is incorrect to suggest that voter
15 registration fraud occurs for the purposes of --

16 CHAIRMAN SMITH: You're not saying now that
17 there's zero correlation between voter registration
18 fraud and impersonation fraud, you're saying between
19 voter registration fraud and any kind of fraud?

20 REPRESENTATIVE ANCHIA: No. Let me clarify
21 that to suggest in person voting.

22 CHAIRMAN SMITH: Okay.

23 UNIDENTIFIED SPEAKER: And real quick, I
24 didn't make the suggestion that that's what it is. I
25 made the suggestion that I find it hard to believe that



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1 there would be no next step intended.

2 CHAIRMAN SMITH: So, Representative Anchia,
3 if you're not denying that there's a correlation between
4 voter registration fraud and voter fraud but you are
5 denying that there is a correlation between voter
6 registration fraud and voter impersonation fraud, then
7 I'm presuming that you believe there's a correlation
8 between voter registration fraud and absentee ballot
9 fraud?

10 REPRESENTATIVE ANCHIA: I -- no, I don't
11 believe that but I believe there's a possibility. I
12 don't believe that there is a correlation. I think
13 there may be a possibility.

14 CHAIRMAN SMITH: Okay.

15 Yes, Representative Bohac.

16 REPRESENTATIVE BOHAC: George, one more
17 quick question. You guys are the largest county in
18 Texas. Have you all -- in your -- in your time as the
19 voter registration director -- is that the right term,
20 something like that?

21 MR. HAMMERLEIN: Director of voter
22 registration.

23 REPRESENTATIVE BOHAC: Director of voter
24 registration. Have you ever seen a pattern of -- of
25 fraudulent voter registration from any group, any



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1 planned pattern of voter registration fraud where there
2 were names taken out of phone books or like we -- like
3 we heard in the past election cycle where there were
4 names made up?

5 MR. HAMMERLEIN: Well --

6 REPRESENTATIVE BOHAC: Have you ever seen
7 any systematic progression of that in your term?

8 MR. HAMMERLEIN: I think the main -- the
9 main thing we did see in the last election that some
10 organizations under pressure for maybe financial
11 reasons, they -- you know, the same person would be
12 registered 10 times by the same individual on the same
13 day.

14 Of course, they're turned in in a big
15 bundle. You know, they're hoping you don't catch them
16 and -- but, you know, our experience -- because we don't
17 really have systems to verify. I mean, it's just --
18 with us, it's more sloppy work or inaccurate cards, then
19 we can -- because we don't have a little investigative
20 team in us. We take them at face value and type them in
21 a computer, and we have a mapping program and they
22 either catch or they don't, and if they give us a
23 number, it will match hopefully with the Texas Secretary
24 of State or Social Security but if they mark both that
25 they have neither, they're automatically on the roll.



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1 So, there is no way to verify those people
2 ever, and if they say they're over 65. So, you can come
3 in, check I have no unique number identifiers, I'm over
4 65, now send me my ballot by mail and you'll be good to
5 go forever.

6 CHAIRMAN SMITH: Just in case there's
7 anybody on the committee and anybody other than our last
8 witness who cares, he is about 18 minutes over the
9 allotted time.

10 UNIDENTIFIED SPEAKER: I'm fine.

11 UNIDENTIFIED SPEAKER: Just real quick and
12 here's my final question, so, if you check that you
13 don't have either, either the last four digits of the
14 Social or driver's license, you're automatically
15 registered in your office?

16 MR. HAMMERLEIN: Yes, sir, under state
17 elections guidance -- I mean, that's the guidance we
18 get, yes.

19 UNIDENTIFIED SPEAKER: So, everyone is
20 registered to vote regardless of whether or not they can
21 produce a four digit code --

22 MR. HAMMERLEIN: Right.

23 UNIDENTIFIED SPEAKER: -- or a driver's
24 license number?

25 MR. HAMMERLEIN: And at current, we have



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1 about 130,000 registered voters with no unique
2 identifiers.

3 UNIDENTIFIED SPEAKER: Out of 1.9 million
4 registered voters?

5 MR. HAMMERLEIN: Approximately 1.9.

6 UNIDENTIFIED SPEAKER: So, about 8 percent
7 of your registered voter database in this late hour that
8 there's nothing to tie that individual with a -- the
9 last four digits of their Social or driver's license
10 number?

11 MR. HAMMERLEIN: No.

12 UNIDENTIFIED SPEAKER: Okay. Thank you.

13 CHAIRMAN SMITH: Any other questions,
14 members?

15 Thank you very much.

16 Representative Helfin.

17 REPRESENTATIVE HELFIN: I'm sorry. Just
18 woke up.

19 If -- if the bill that's proposed was
20 adopted, would that cure that problem?

21 MR. HAMMERLEIN: I -- I suppose it would add
22 an additional layer of security when people come into
23 the polls and they'd have to show identity.

24 REPRESENTATIVE HELFIN: But as far as -- as
25 far as the registration process, this bill does nothing



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1 to address that?

2 MR. HAMMERLEIN: No, sir, I'm not aware of
3 anything that it does to the registration process.

4 REPRESENTATIVE HELFIN: Okay. Thank you.

5 CHAIRMAN SMITH: Any other questions,
6 members?

7 Thank you, Mr. Hammerlein.

8 At this time --

9 UNIDENTIFIED SPEAKER: Mr. Chairman?

10 CHAIRMAN SMITH: Yes.

11 UNIDENTIFIED SPEAKER: I wanted to ask you
12 one more thing. I think it will be a lot easier to
13 answer than why his boss quit his job but the
14 information that I read earlier about John Fund, I was
15 wondering if -- how I could get that submitted to the
16 record or could I just ask that it be submitted into
17 the --

18 CHAIRMAN SMITH: I don't think there is a
19 record.

20 UNIDENTIFIED SPEAKER: Okay. I didn't know
21 if he was keeping the --

22 CHAIRMAN SMITH: No.

23 UNIDENTIFIED SPEAKER: Okay.

24 CHAIRMAN SMITH: But you're welcome to
25 provide it to the members of the committee.



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1 UNIDENTIFIED SPEAKER: Okay. Thank you.

2 CHAIRMAN SMITH: Yes?

3 UNIDENTIFIED SPEAKER: I think if something
4 like that is going to be done, then Mr. Fund should be
5 contacted and let him give a response to it. After all,
6 you know, he was -- he was kept late so that he didn't
7 have time to have -- be questioned, and I don't think
8 it's appropriate to enter something now that he's gone.

9 CHAIRMAN SMITH: Well, we're not -- this is
10 not a court of law. We're not entering something. He's
11 just giving us a copy, and if anybody wishes to
12 contact --

13 UNIDENTIFIED SPEAKER: I'm going to put a
14 copy in the filing cabinet in my office.

15 CHAIRMAN SMITH: Anybody else? Any other
16 questions, comments?

17 At this time the Chair calls Mr. Toby Moore.
18 Oh, I'm sorry, you're not him.

19 UNIDENTIFIED SPEAKER: Mr. Chairman?
20 (Inaudible)

21 UNIDENTIFIED SPEAKER: Happy birthday.

22 UNIDENTIFIED SPEAKER: Mr. Chairman, just
23 for the record, Mr. Moore is from North Carolina and a
24 graduate of the University of North Carolina, Chapel
25 Hill, and I know he's been here all night instead of



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1 watching the game.

2 UNIDENTIFIED SPEAKER: Who won?

3 UNIDENTIFIED SPEAKER: I don't know the
4 answer to that and I hope you have it on TVO.

5 UNIDENTIFIED SPEAKER: I was able to watch
6 it in the back.

7 CHAIRMAN SMITH: Okay. All right. Well,
8 thank you for -- for agreeing to spend the evening with
9 us instead of watching your alma mater play in the
10 national championship. That's a huge sacrifice.

11 UNIDENTIFIED SPEAKER: When I chose this
12 night for the committee, you can tell I'm not a college
13 basketball fan. It's a nice reminder this is a football
14 state.

15 CHAIRMAN SMITH: Would you please state your
16 name and who you represent for the record.

17 MR. MOORE: My name is Toby Moore, project
18 director and elections research with Research Triangle
19 Institute. I'm appearing on my own behalf, my own
20 capacity.

21 CHAIRMAN SMITH: Thank you.

22 MR. MOORE: I will try to be brief. I've
23 given you my written testimony. I think what the -- in
24 the interest of time, I'll tell you the three areas that
25 I thought I could be of most service to the committee



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1 and kind of go over very quickly some of the highlights
2 of what my written testimony is and then just turn to
3 questions because much of what -- some of what I'm
4 testifying has been covered in -- by other witnesses.

5 My background is I was at the Justice
6 Department, was geographer of the Justice Department in
7 the voting section from 2000 to 2006, and then for a
8 little more than a year was project manager for the
9 Carter-Baker Commission on Election Reform at the
10 American University, where I designed and implemented a
11 survey research project on voter ID that --

12 UNIDENTIFIED SPEAKER: Excuse me. What did
13 you do at the Justice Department from --

14 MR. MOORE: I was geographer, a
15 redistricting expert.

16 And while at American, I designed and
17 implemented a survey research project on voter ID.

18 As it happens, in conjunction with a survey
19 research firm based here in Austin called Mustats, and
20 those results may be of interest to you.

21 The three areas that I think I can be of
22 most service, the -- to try to give you as an objective
23 a survey of the current research in the field as I can,
24 I know that you talked about some of that with Justin
25 and other witnesses about the impact on voter -- voter



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1 ID on turnout and some of these other research projects.

2 Second, I think I can be of help in trying
3 to relate to you the challenges that you're going to
4 face in getting preclearance, whether you go through the
5 DOJ or through the DC court.

6 And finally, if it's of interest, I can more
7 fully describe the better ID proposal made by the
8 Carter-Baker Commission.

9 The research on impact of voter ID is not
10 what it should be. I think the research community has
11 let down policy makers.

12 It was apparent in the Crawford Marion
13 decision in the Supreme Court and lower court's
14 frustration with the research community and the lack of
15 reliable studies.

16 Just briefly, because I know you've gone
17 over this already, two of the -- two of the methods to
18 try to get at this impact of voter ID were database
19 matches, which I think most people have moved away from
20 as unsatisfactory and which I think overstated the
21 impact of voter ID, and I think people are now turning
22 away from the modelling of turnout.

23 There's a new paper by (Inaudible) and
24 Robert Ericson that I think is well worth your looking
25 at that takes the bulk of the turnout studies, those



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1 which found an impact and those which did not and I
2 think makes a pretty good argument for the fact that we
3 just lack the data and tools to be able to make good
4 inferences about the impact of these laws on turnout,
5 and that covers both things like the AC funded survey, a
6 very sophisticated study by Alvarez and Katz, the
7 Muhlhausen survey, all of these are well worth reading.

8 Where I think we are is that if we're going
9 to get at this question of who doesn't have ID, it's
10 probably going to be -- need to be done by sophisticated
11 and well funded surveys.

12 We don't have the type of survey that we
13 should have. I think the best thing we have is actually
14 the one that I did at -- or started at least at AU with
15 Carter-Baker.

16 That survey found that in three states that
17 approximately 1.2 percent of registered voters lacked
18 IDs. It was very low in Indiana where they already had
19 an ID law and had made great effort to get ID out. It
20 went up to about 4 percent in Maryland where it was not
21 a large issue and they had a poor minority community.

22 But some of the things found in the study I
23 think are worth pointing out.

24 African Americans were more than four times
25 more likely than whites to lack photo ID. There was not



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1 enough of a Hispanic sample to really make any
2 inferences but Hispanics, and we know almost nothing
3 about ID ownership with -- among Hispanics.

4 Interestingly, women made up nearly all of
5 those who did not have photo ID, which was a surprise to
6 everybody but nearly everyone who did not have a photo
7 ID was a woman.

8 Nearly all of those who lacked ID were
9 Democrats and 88 percent of those without photo ID had
10 household incomes below \$25,000 a year.

11 Now, these are registered voters. So, the
12 pool of people who are eligible voters but not
13 registered, I think we can pretty safely assume would
14 have somewhat higher rates of lacking photo ID.

15 And the really striking statistic about
16 women is doubly important because women, of course, go
17 through name changes that men don't typically go through
18 and face an additional obstacle and problems with
19 getting their documentation.

20 Applying the study at AU to Texas, I came up
21 with a very rough estimate that somewhere between 150,
22 162,000 and 400,000 registered voters or perhaps higher
23 is this pool of registered voters in Texas who don't
24 have ID, and it could be a good bit higher because of
25 our lack of knowledge about ID ownership among Hispanic



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1 citizens.

2 I think that's a conservative estimate but
3 the key, I think, is that there is a body of some
4 significant size that doesn't have a photo ID.

5 UNIDENTIFIED SPEAKER: And what percentage
6 of -- I'm sorry, I'm not supposed to ask questions.

7 MR. MOORE: I'm just trying to move through
8 this quickly.

9 The lack of knowledge in the research
10 community is really not Texas' problem. Texas' problem
11 is the fact that the burden under Section 5 of the
12 Voting Rights Act is on the state to prove to the
13 Department of Justice or the DC court that their change
14 in law will not deny or bridge the right to vote on
15 account of race, color or membership.

16 Mr. Chairman, I was actually pleased to hear
17 your skepticism of the Bush administration's stewardship
18 of the civil rights division and the allegations of
19 politicalization.

20 CHAIRMAN SMITH: I said some have alleged
21 that. I wasn't taking a personal position but saying
22 that some people would feel that way.

23 MR. MOORE: I think the AG's report that
24 came out very recently kind of makes it hard to avoid
25 that but the point I think being is that I don't think



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1 that the Obama administration will necessarily see the
2 pre clearance of the Georgia laws in 2005 and 2006 as is
3 much of a precedent as it might in other circumstances.

4 So, I'm not sure that you're going to get
5 much comfort from that and also the analysis under
6 Section 5 of the Voting Rights Act is very different
7 from the constitutional claims that were presented in
8 the Indiana case.

9 So, I think it's going to be very
10 interesting to see how the Justice Department handles
11 any ID law that comes out of Texas because I think it
12 can be argued that there is -- they have not really had
13 a clean shot at it yet. I don't know. And that's -- my
14 opinion is that it's -- that there's not going to be as
15 much of a precedent as there would have been had the
16 allegations of politicalization not surfaced but that's
17 debatable.

18 What you're going to be expected, I think,
19 to show under Section 5 or to the DC court is -- and
20 from my reading of the bill, it seems to be a little
21 less developed than what came out of Georgia in 2006 or
22 what the Indian law was.

23 The law itself doesn't seem to address a lot
24 of the points that I think the Justice Department is
25 going to look for.



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1 I think the Justice Department is going to
2 expect Texas to have some knowledge of the number and
3 demographic makeup of affected voters. We can talk a
4 little bit about exactly who those would be given the
5 smaller change in your law than in some of the other
6 laws.

7 Detailed and rough under public education
8 programs, I think the idea of delaying the law a cycle
9 or two to make -- have those take effect is a good one
10 and one that would be looked favorably upon.

11 Poll worker training is something that has
12 to be addressed specifically. It's not something that
13 can be assumed to be done under existing structures.

14 There's evidence now -- the (Inaudible)
15 study that I think Representative Anchia has mentioned,
16 which found that poll workers are not applying ID laws
17 in an equitable manner.

18 And so, I think looking at -- having
19 something in the statute -- having something that, you
20 know, addresses that question is going to be important.

21 Programs to distribute required IDs, I do
22 think that the current provision in the Senate Bill for
23 free ID is inadequate compared to what other states have
24 done. I think it's much stronger just to give everybody
25 a free photo ID and the state absorb that cost.



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1 Evidence of voter impersonation problems, I
2 think there's been a lot of attention paid to trying to
3 build that record.

4 And, finally, a detailed discussion of why
5 less retrogressive alternatives, including use of
6 affidavit fail-safes and provisional ballots were not
7 adopted. I think those were all kind of things that the
8 analysts in the Justice Department are going to go
9 through piece by piece.

10 CHAIRMAN SMITH: Take your time. You're the
11 last one. Nobody is waiting on you. I don't want to --
12 don't worry about the clock.

13 MR. MOORE: The -- and much of this has to
14 do with the cost, and the cost is going to be
15 considerable to the state.

16 Indiana, when considering this law,
17 estimated that providing free ID would cost the state
18 more than \$700,000 annually in lost revenue and
19 additional expenses.

20 We've heard about Georgia's significant
21 investment in public education that they did after their
22 first law was rejected. I think those are all things
23 the Justice Department is going to be expecting.

24 And, finally, as an additional cost, the
25 cost to do -- to get this evidence together, submit it



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1 to the Court is going to be -- submit it to the Justice
2 Department is going to be expensive. If you take it to
3 the DC court and defend it, it's going to be a more
4 drawn out and more expensive charge. You'll have to pay
5 more lawyers.

6 CHAIRMAN SMITH: When you say drawn out, do
7 you mean more timely?

8 MR. MOORE: Yeah, it's going to take more
9 time to get it through the DC court. It's a three-judge
10 panel. You'd have to take -- you know, it's basically a
11 mini trial, and they'll put it on the rocket docket and
12 they'll move it through but it's still going to be more.

13 UNIDENTIFIED SPEAKER: How long do you
14 think -- how much more in terms of time in the DC?
15 That's my understanding where it's probably going.

16 MR. MOORE: Right. If it went to the DC
17 court, I mean (Inaudible) could give you a better
18 estimate of that but it's, you know, six to nine months,
19 I would think and it's going to be much more expensive.
20 It's a more involved thing.

21 UNIDENTIFIED SPEAKER: And then after that,
22 you get the litigation, after you get the pre clearance,
23 if you get it? And I'm asking the question because I'm
24 giving you more time.

25 MR. MOORE: No, that's all right. I'm



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1 just -- I mean, I think the conventional wisdom among
2 Section 5 states is to avoid DC court if at all possible
3 and, obviously, it's an alternative that states take up.

4 I mean, we did the Georgia v. Ashcroft case
5 that was tried before the DC court and it was not taken
6 to the Bush administration Justice Department but that
7 is certainly an option and it's one that states avail
8 themselves of.

9 It would be strange, I think, to do it on a
10 change in election law rather than a redistricting case
11 but it certainly can be done.

12 And, finally, the Carter-Baker law --
13 proposal, which I think has been talked about and I'll
14 be glad to answer any questions about it. I don't speak
15 for the Commission any longer but was certainly involved
16 with trying to implement and explain their
17 recommendation, and it's a -- it's a little more
18 complicated than I think the advocates on either side
19 try to argue for.

20 Just to wrap up, I'll say that the
21 current -- the debate over the last four or five years
22 since I became involve in it has really been frustrating
23 because it hasn't moved from these polarized extremes in
24 which there's either an ID law or there's not an ID law.

25 And we talk about laws in Georgia and



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1 Indiana and Texas and Arizona as if they were an ID law
2 or not, and these are complicated laws, and they have a
3 lot of nuance, Florida's, for instance, and there's a --
4 there's ample room for -- for finding compromise in the
5 middle, for finding provisions that address fears of
6 fraud but also that take care of the -- I think all
7 agree the very legitimate fears in the minority
8 community that it will be used as a tool against them.

9 So, I would, in wrapping up, just based on
10 my personal experience with these laws over the last
11 four years, is to encourage Texas to use creativity to
12 think through provisions of the law that can address
13 some of these shortcomings, these concerns and try to
14 come to a law that has wider support than what we've
15 seen passed on the partisan basis in Indiana, Georgia
16 and other states.

17 UNIDENTIFIED SPEAKER: So, I take it from
18 your testimony that you -- in terms of the way
19 provisional ballots are handled, you do find the Florida
20 model to be preferable to Indiana and Georgia as -- or
21 at least certainly as far as Indiana is concerned and as
22 stated in the dissenting opinion of the Supreme Court
23 decision?

24 MR. MOORE: Well, I'll say that I think the
25 way Florida handled it represented a way to try to get a



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1 bill -- a broader support and a fail-safe. I mean, I'm
2 in favor of the affidavits. I think that's -- because I
3 think in one way it produces a paper trail that you can
4 then go back and investigate impersonation.

5 I mean, if you require a photo ID but have
6 an affidavit fail-safe, then you have an affidavit from
7 everyone who didn't have an ID and that way if you
8 enforce it fairly, you can go back and use those to
9 determine if you have an broader impersonation problem
10 but I think provisionals is another way to do it.

11 UNIDENTIFIED SPEAKER: And just to be clear,
12 the only difference between the way that Florida handles
13 it and letting anybody just sign an affidavit and
14 vote -- and, you know, the way I look at that it's
15 really just a -- it's almost a nudge in the direction of
16 obtaining and using and getting used to using the proper
17 prescribed identification because the only difference is
18 that in one mechanism these votes that a panel of -- of
19 the public look at and conclude that one signature is
20 not likely to be the same signature as the other
21 person's signature, that in one instance those votes
22 where a majority of this panel conclude is not likely to
23 be the signature of the same person, in one system, they
24 count and in the other system, they do not count, and
25 that really is the only difference between your top



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1 choice of how that is handled and how it is handled in
2 Florida, would you not agree? That's the difference?

3 MR. MOORE: Yeah, and I think it's a
4 significant difference. I think what I've seen it in
5 and I think what Carter-Baker kind of suggests as well
6 is that maybe there's a weigh station, maybe you can
7 have an interim law with affidavits for provisional
8 ballots that would allow you to better track those
9 voters who don't have ID and then based on your
10 experience with that law, you could tighten it up or
11 loosen it as needed but given how little we know about
12 the pool of people who don't have the required ID, it's
13 a little bit -- I think a little frightening to --

14 UNIDENTIFIED SPEAKER: Well, I mean, I don't
15 think there's anybody here that doubts that -- you know,
16 that those are accurate descriptions of the people who
17 do not have photo identifications and -- and that's why,
18 you know, I am not a proponent of the Indiana law.
19 But --

20 And let me ask this question: When you
21 talked about the number -- your estimate of the number
22 of registered voters in Texas that do not have ID, what
23 percentage of the total registered voters --

24 MR. MOORE: I took the 2008 registered
25 voters and applied the 1.2 percent that was found across



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1 the three states and that's very rough but if you want
2 an idea of some kind of, I think, firmer number --

3 UNIDENTIFIED SPEAKER: So, you believe
4 that -- tell me if I'm understanding what you're just
5 saying correctly -- you believe that 98.8 percent of the
6 voters already have the photo identification that is --
7 that would be required in this legislation?

8 MR. MOORE: I think the number would be a
9 little lower in Texas than some of these other states
10 but it's in that neighborhood of 96, 97, 98 percent of
11 registered voters have ID. I think it's very high. And
12 I think four years ago, we thought it was much lower.

13 UNIDENTIFIED SPEAKER: And I think some
14 people take that statistic of 2 or 3 or whatever it is
15 or 4 percent and get very flippant about it and go,
16 okay, it doesn't matter, it's insignificant. And I just
17 want you to know that's not my attitude but I think it
18 is important to have some information about the extent
19 of the voters that are currently qualified even if we
20 were to adopt the Indiana law and require them to have a
21 photo ID, which I don't believe there's any chance will
22 occur.

23 Yes, Representative Bonnen.

24 REPRESENTATIVE BONNEN: Now, are you for or
25 neutral?



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1 MR. MOORE: Neutral on the law.

2 REPRESENTATIVE BONNEN: So, you're neutral
3 on this. Okay.

4 You -- you've made the comment -- and I'm
5 just curious what number you would think it would need
6 to be -- that Georgia had a -- I forget the exact word.
7 It's unimportant. But, you know, you said a good
8 number. I mean, you didn't say that number but, you
9 know, a pretty decent number, which I believe was a
10 million dollars for voter education or whatever. The
11 gentleman testified earlier and said that I was not
12 enough, you would guess, for the Justice Department.
13 And so, the population in Georgia is 9.5 million and
14 they did a million dollars. Currently we're looking at
15 2 million in Texas. Our population is about 23 million.
16 We pulled it up. It was 23.5.

17 UNIDENTIFIED SPEAKER: 23.9.

18 REPRESENTATIVE BONNEN: 23.5. Anyway, 24
19 million. So -- so, what do you think that number should
20 be?

21 MR. MOORE: Well, my comment was really not
22 so much about the number as it was the specificity that
23 you can give to the Justice Department to say this is
24 the type of education we're going to be doing and this
25 is the money that we've set aside to do it, in other



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1 words, instead of a figure that's out there that says
2 we're just going to -- generally, we're going to give
3 this towards voter education or give this toward giving
4 IDs to people, the more specificity that you can give
5 and the more it shows a thought out program, the better
6 your chances of getting pre clearance are going to be.

7 REPRESENTATIVE BONNEN: Another thing you
8 had commented on that maybe I don't understand but I
9 believe in the bill -- I mean, unless I'm wrong -- we
10 would give anyone who doesn't have an ID a free ID.

11 MR. MOORE: That's not the way that I
12 see the -- the way that I read the provision. The way
13 that I read the provision is if you only are going to
14 use your ID for voting -- now, I'm not saying that's not
15 enough -- that's up to you but the other state --

16 UNIDENTIFIED SPEAKER: It's really not up to
17 us, actually.

18 MR. MOORE: But the other states have said
19 photo IDs are free. If you come in and get a photo ID,
20 we would have charged you for that before the bill but
21 now it's free.

22 And I think that particularly in Georgia
23 where Judge Murphy had serious problems with the poll
24 tax argument before, that has raised his concern
25 because, just to finish, he felt like that was a fee you



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1 had to pay in order to vote, in other words, you had
2 to -- you had to pay that -- you had to pay a fee in
3 order to get the state document in order to vote, and he
4 felt that was close to a poll tax. If the cards were
5 free, then it took away that argument.

6 REPRESENTATIVE BONNEN: Right, and I
7 understand.

8 MR. MOORE: Yeah.

9 REPRESENTATIVE BONNEN: Ours says it's free
10 for the use of voting.

11 MR. MOORE: The way I read the bill, someone
12 who went in to get a card and wanted to have another use
13 for it would probably feel compelled to pay the fee in
14 order to avoid saying that he was only going to use it
15 for voting.

16 REPRESENTATIVE BONNEN: I think that's a
17 simple clarification. So, assuming that clarification
18 is made, would that --

19 MR. MOORE: If the clarification is that all
20 photo IDs are free, not necessarily licenses but you can
21 get a photo ID card for free, as Georgia and Indiana
22 did, yes, I think that would take care of that
23 particular --

24 REPRESENTATIVE BONNEN: But only that one,
25 right?



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1 I was curious -- and maybe I missed it --
2 you made the comment about allegations of
3 politicalization, you know. Where do those come -- I
4 mean, what are you referring to?

5 MR. MOORE: I think the best documentation
6 of that is in the DOJ's own report on possession of
7 hiring the Justice Department, and I think there's a
8 long record now of congressional testimony about
9 possession. It's still debatable but my only point was
10 that I think in many ways the original 2005 Georgia pre
11 clearance, which is the key one, has been discredited
12 by a lot of people in the voting rights field, and I'm
13 not sure the Obama Justice Department necessarily see
14 that as the precedent it would under other
15 circumstances.

16 REPRESENTATIVE BONNEN: I understand that.
17 I guess my concern was, first, the Justice Department is
18 supposed to not be political but, secondly, you know, I
19 know it's Dr. Allen's birthday but even if her birthday
20 wish were to wake up in a nonpolitical world tomorrow,
21 I'm not sure -- as much as you and I and the rest of us
22 would like to deliver that birthday wish to her, I'm not
23 sure how we do it.

24 So, if we're going to -- and I don't know
25 how you stop the politicalization, which I'd love to



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1 see. I mean, we saw a lot of politicalization here
2 tonight. I mean, I --

3 MR. MOORE: Well --

4 REPRESENTATIVE BONNEN: I don't think you'll
5 ever pre clear anything. I don't think you'll ever pre
6 clear a redistricting map. I don't think you'll ever
7 pre clear any voting law issue if it has to be free of
8 politicalization because, unfortunately -- and I am very
9 disturbed by politicalization, quite frankly, it won't
10 end.

11 MR. MOORE: Well, in all due respect, the
12 problems in the say 2005, 2007 Bush administration were
13 unprecedented and they were politicalization problems
14 and allegations that did not arise, for instance, under
15 the Reagan years and under a very conservative
16 administration of the civil rights division.

17 So, I think it was a unique and very
18 unfortunate and I think that it's becoming very well
19 documented but my only -- I think the only relevance to
20 this is that the civil rights division itself will see
21 the 2005 pre clearance as perhaps less of a precedent
22 than it would under other circumstances but I don't --
23 and I expect you will get a very professional and
24 nonpartisan hearing when you send your law to the civil
25 rights division.



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1 Yes, I don't think it was mortally wounded
2 and politically precise. In fact, in the last few
3 years, the Bush administration itself acknowledged many
4 of the problems and started to move --

5 REPRESENTATIVE BONNEN: Okay. Thank you.

6 CHAIRMAN SMITH: Tell me this, just as a --
7 on the legal issues, to what extent does the Supreme
8 Court opinion influence that review or provide any safe
9 harbors with regard to that process?

10 MR. MOORE: On the legal basis, it's a
11 different analysis. We're talking being retrogression
12 to the constitutional analysis. I'm not going to say
13 that the Crawford opinion will not change the context in
14 which it's -- it's seen. I mean, these are lawyers who
15 read those cases, and they are going to be influenced by
16 that decision but on a legal basis, on an analytical
17 basis, it's distinct, and this is a before and after
18 analysis of your law as it stands now and this is what's
19 going to be passed.

20 So, it's a distinct analysis but it happens
21 in a climate and certainly the Crawford case makes it --
22 makes ID laws kind of more legitimate in a general way
23 that can't help but impact and influence the pre
24 clearance process.

25 CHAIRMAN SMITH: So, you're saying that even



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1 if our law is clearly less onerous or progressive,
2 depending on your perspective, than the Indiana law, you
3 still believe there is a possibility that it could be --

4 MR. MOORE: I certainly think the Justice
5 Department -- for instance, under Section 5, as you
6 know, the burden is on Texas. So, the Justice
7 Department, if it wanted to, could simply say Texas has
8 not met its burden and lodge an objection on that basis,
9 or the DC court could regardless of the laws or even
10 whether it believes -- and it's up to you to prove that
11 it's not retrogressive, not up to the Justice Department
12 or the DC court to produce it is.

13 CHAIRMAN SMITH: Okay. Yes, Representative
14 Anchia.

15 REPRESENTATIVE ANCHIA: Yes. Let's talk a
16 little bit about Carter-Baker, and if you could
17 reiterate for the committee your involvement in
18 Carter-Baker.

19 MR. MOORE: I joined Carter-Baker in 2006
20 upon leaving the Justice Department in order to handle
21 the follow-up work, the implementation of their
22 recommendations. So, I worked there for a little over a
23 year, pushing nonpartisan election administration,
24 trying to, you know -- developing and lending funding
25 for projects such as this and also working with



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1 legislatures and congress members.

2 In the summer of 2006 there were
3 congressional debates on federal ID law, and we worked
4 with congress to try to inform them what the -- what the
5 Carter-Baker proposal was.

6 And I think it's important just to -- I
7 mean, I think it's serving its purpose if it's being
8 discussed in this hearing. So, it's good to see that
9 because that's really what its role was, to promote the
10 debate and the dialogue.

11 But there's some real differences between
12 what they proposed in their recommendation and what has
13 been implemented.

14 REPRESENTATIVE ANCHIA: And during the --
15 now, the three sessions that we -- we're discussing
16 voter ID, Carter-Baker has been used as support for
17 voter ID on a piecemeal basis wherein people said, hey,
18 Carter-Baker recommended voter ID, let's do voter ID,
19 without acknowledging the remainder of the
20 recommendations. And there were 87 recommendations,
21 were there not?

22 MR. MOORE: Right.

23 REPRESENTATIVE ANCHIA: And -- and after
24 what I think both President Carter and Secretary Baker
25 perceived as kind of a bastardization of Carter-Baker by



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1 proponents of voter ID, they wrote a -- they co-wrote an
2 op-ed in the NEW YORK TIMES stating that their intent
3 had been misconstrued; is that not right?

4 MR. MOORE: That's right.

5 REPRESENTATIVE ANCHIA: And have you read
6 that?

7 MR. MOORE: Oh, yes.

8 REPRESENTATIVE ANCHIA: September 23rd,
9 2005. In fact, I used it on the House floor, and I was
10 accused of misusing their words, and I tried to explain
11 to the person making the accusation that while, in fact,
12 these are their words -- and they said, and I'll quote,
13 and if you can offer some context after presenting this
14 quote, quote, "Until we have universal registration, we
15 cannot make having such an ID be a condition of voting,"
16 end quote. Do you recall that part of the op-ed? Can
17 you put it in a broader context of Carter and Baker and
18 voter ID?

19 MR. MOORE: Well, I think Carter and Baker
20 were very disappointed with the Georgia law in 2005,
21 which they thought was a not a very well thought out
22 bill. I think they were more pleased with the 2006 law,
23 but I still don't think it came up to their
24 expectations.

25 The Carter-Baker proposal was really a



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1 compromise on the two extremes, and it really wanted us
2 to move toward universal registration of all voters but
3 more importantly for the state to take a very
4 affirmative role in getting people registered to vote.

5 Now, they didn't really come out all the way
6 to universal registration but they really wanted the
7 state to take an affirmative role, to go out and get
8 people registered to vote and don't put it on their
9 shoulders and, on the other hand, you're going to
10 improve security by having a photo ID requirement that
11 was tied to the real ID, the -- and kind of a quasi
12 national ID that everybody would have.

13 And -- but part of that, too, was that they
14 saw it happening at a national level. They wanted to
15 replace what we still had, which was a patchwork of
16 state laws, which -- very dramatically by having a
17 national standard, and that has not come about at all.
18 So, they were really looking at it at the federal level
19 rather than piecemeal state laws.

20 REPRESENTATIVE ANCHIA: And can you talk a
21 little bit about and give us some context for universal
22 registration? Again, this is the follow up to
23 Carter-Baker when they were expressing frustration about
24 the implementation of only one leg of the stool, saying,
25 hey, we're doing more security but we're not doing more



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1 access, and then they talk a year later -- I guess is
2 this a year, maybe nine months later about universal
3 registration. What do they mean there?

4 MR. MOORE: Well, they thought that the real
5 ID -- the post 911 emphasis on ID would be a mechanism
6 to register people. So, for instance, the proposals
7 that have come up now post 2008 about moving towards
8 universal registration through populating state voter
9 registration lists through the DMV, through the
10 licensing list would be one way of moving toward
11 universal registration.

12 So, where by default people are registered
13 and then they're dropped off the list for these reasons
14 but their idea was -- and it's a little esoteric, I
15 think, was to use real ID and this standard ID as a way
16 to register everybody. You go in to get your real ID
17 and you're registered and it shows up on your license,
18 and so, everybody -- you know, you -- and then the state
19 really takes on the obligation to go out and find
20 everybody and bring them in and register them and get
21 them the ID because they thought the real ID would be
22 something that everybody would have.

23 REPRESENTATIVE ANCHIA: And -- and in the
24 absence of the implementation of universal registration,
25 can you talk a little bit about what your home state has



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1 done with same day registration during early vote? And
2 let's put it in a Texas context and maybe you can draw
3 an analogy. North Carolina, you can go and do -- you
4 can register early only during early vote. Those votes,
5 I think, are provisional and --

6 MR. MOORE: No, they're regular.

7 REPRESENTATIVE ANCHIA: They're regular
8 votes, they're not provisional? Are they -- are they
9 subject to review by ballot board?

10 MR. MOORE: No. They're regular ballots.
11 It's like same day registration or election day
12 registration. They walk in and register and vote the
13 same day.

14 REPRESENTATIVE ANCHIA: But only during
15 early vote?

16 MR. MOORE: That's right.

17 REPRESENTATIVE ANCHIA: And do they have to
18 submit some form of ID in North Carolina?

19 MR. MOORE: I'm not sure. I actually live
20 in Virginia. So, I'm not a North Carolina voter.

21 REPRESENTATIVE ANCHIA: Okay. Okay. You
22 just went to college there?

23 MR. MOORE: Well, I'm a native North
24 Carolinian and went to college there.

25 REPRESENTATIVE ANCHIA: Okay. So, maybe



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1 North Carolina -- does North Carolina represent one
2 opportunity for a state to enhance access to
3 registration and maybe offset some of the
4 disenfranchising impact of a voter ID law?

5 MR. MOORE: Yes. And one of the other ways
6 that North Carolina would be a model is that North
7 Carolina, like Texas, has really good election offices,
8 and I work with election -- I work with the 55 election
9 offices across the country and in the territories. And
10 North Carolina and Texas, you know, we work with their
11 office, are two of the best in the country.

12 And so, your -- you know, you have an
13 election office that can handle these -- these things.
14 Not every state has the capacity to handle something
15 like same day registration.

16 REPRESENTATIVE ANCHIA: Who is Robert -- Dr.
17 Robert Pastor.

18 MR. MOORE: He was executive director of the
19 Carter-Baker Commission.

20 REPRESENTATIVE ANCHIA: And he strongly
21 cautioned congress in March of 2009, just recently, just
22 last month, that if voter IDs become the entire part of
23 the solution, then they actually become part of the
24 problem. Are you familiar with his congressional
25 testimony? And would you think that that congressional



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1 testimony is in line with the sentiments expressed by
2 President Carter and Secretary Baker in their op-ed?

3 MR. MOORE: Yes. And I think Dr. Pastor,
4 who does a lot of international election work as well,
5 has been frustrated by the polarization and the kind of
6 myopic debate on ID and the unwillingness of people in
7 both parties to see ID as a way to expand the franchise
8 and increase security and improve elections overall.

9 REPRESENTATIVE ANCHIA: Thank you.

10 REPRESENTATIVE BOHAC: Representative Bohac.
11 Is it your believe that most people who want to be
12 registered to vote are indeed registered to vote through
13 the access laws that we have now?

14 MR. MOORE: I'm quite sure of it, yeah.

15 REPRESENTATIVE BOHAC: So, if people want to
16 register to vote, they're probably more than likely
17 registered to vote?

18 MR. MOORE: Yes.

19 REPRESENTATIVE BOHAC: A moment ago, you
20 said that real ID would be something everyone has.
21 Assuming that Texas is a country and we mandate -- let's
22 just assume we were and we did say everybody should have
23 an ID, what -- what made Carter-Baker think that it
24 would be so?

25 MR. MOORE: Well, I think you have to go



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1 back to when Carter-Baker Commission was meeting and
2 coming up with these recommendations, and this was much
3 closer to 911 and the real ID had some momentum and the
4 resistance to it had not occurred yet. So, I think
5 there was a belief that this was going to be a quasi
6 national ID implemented through the states. I don't
7 think that is as realistic now or it seems that way now
8 as it was at the time. So, I think that in a way they
9 kind of overestimated what real ID was going to be.

10 REPRESENTATIVE BOHAC: But it just seems to
11 me that these same obstacles that this committee has
12 heard would be the same obstacles that would exist if
13 you called it a Texas ID or a real ID and if it were
14 free or it was not free. There would be obstacles to
15 access. I mean, I just see tension between the
16 Carter-Baker report, almost contradictions in some of
17 their concepts, in some of their reclarifications beyond
18 their initial report.

19 MR. MOORE: Well, that certainly has been
20 one of the criticisms of the Carter-Baker
21 recommendation, particularly from the left, has been
22 that, and there are many people who felt that their
23 recommendation was not all that well thought out, that
24 it was a little bit, you know, off the wall but I think
25 that the core -- and I think they've had trouble



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1 communicating their core principle, which was we will
2 trade security at the ballot in exchange for moving
3 toward a more universal registration.

4 REPRESENTATIVE BONNEN: Right. But you just
5 testified a moment ago that most of the people who
6 desire to be registered to vote are indeed registered to
7 vote, so, we really kind of have a hundred percent
8 registration in the strict sense that people who want to
9 be registered to vote are registered to vote.

10 MR. MOORE: You asked me about are the bulk
11 of those people most of those people, and I said yes but
12 there are a lot of people who run into registration
13 problems, people who shift, for instance, their
14 registration from one jurisdiction to another and their
15 registration gets fouled up and then they can't vote a
16 regular ballot like they want.

17 And I think what they were looking at and I
18 think what the United States is moving toward is
19 something more like universal registration where you
20 have a transportable registration and where you're seen
21 to have -- you know, it's very hard to avoid being
22 registered, as opposed to now where the burden is on the
23 voter to keep their registration updated as they move,
24 if they have name changes, all of that.

25 So, I think that most people who -- yes,



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1 most people who want to be registered are registered but
2 I don't think that means that there's nothing to be
3 gained from expanding that and improving the
4 registration regime as well.

5 REPRESENTATIVE BONNEN: Okay. Thank you.

6 CHAIRMAN SMITH: Did you see a material
7 difference between the letter that they wrote after the
8 report and the report itself?

9 MR. MOORE: The letter to the TIMES that was
10 published?

11 CHAIRMAN SMITH: Yes.

12 MR. MOORE: No.

13 CHAIRMAN SMITH: I read it and I didn't
14 really see any difference in that letter that -- versus
15 what I read in the report. Do you think there's a
16 material difference?

17 MR. MOORE: No. I think they have had
18 trouble communicating what was a compromise measure but
19 that's understandable because they were trying to do
20 something new, I think.

21 CHAIRMAN SMITH: So, you made it clear
22 earlier -- I believe you said that they did not come out
23 for universal registration, they encouraged people to
24 move toward more universal registration, would that be a
25 fair description of what they recommended?



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1 MR. MOORE: Yeah.

2 CHAIRMAN SMITH: And if -- if I'm reading it
3 correctly, I'm looking here at their letter and report,
4 I have read that additional editorial that they wrote
5 and, again, it seems to reflect what is in the report
6 itself but what it says here is: We're recommending a
7 photo ID system for voters designed to increase
8 registration with a more affirmative and aggressive roll
9 for states in finding new voters and providing free IDs
10 for those without driver's licenses. That's from
11 their -- the letter from the co-chairs summarizing
12 what's in the report, and they talk about mobile --
13 mobile voter units in the report itself and other -- I
14 suppose they're not intending to limit the mechanism or
15 the manner in which an individual state would engage in
16 aggressive efforts to register more voters. Do you
17 think that's a fair --

18 MR. MOORE: Yes. I think you have to go
19 back to Jimmy Carter's experience overseas in countries
20 that do have universal registration or something more
21 close to it, and what I think their real idea was to
22 change our mindset away from putting the burden on the
23 voter to maintain their voter registration records to
24 putting it on the state to do that.

25 CHAIRMAN SMITH: And, obviously, if we had



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